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Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Albania, Andorra,* Australia,* Austria,* Belgium,* Bosnia and Herzegovina,* Botswana, Bulgaria,* Canada,* Croatia, Cyprus,* Czech Republic,* Denmark,* Estonia, Finland,* France, Georgia,* Germany, Greece,* Guatemala,* Honduras,* Hungary,* Iceland,* Ireland, Israel,* Italy,* Japan, Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Maldives, Monaco,* Montenegro, Netherlands, New Zealand,* Norway,* Poland,* Portugal, Republic of Korea, Republic of Moldova,* Romania,* San Marino,* Slovakia,* Slovenia,* Spain,* Sweden,* Switzerland,* the former Yugoslav Republic of Macedonia, Turkey,* United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

28/... Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Recalling all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 25/25 of 28 March 2014 and Assembly resolution 69/188 of 18 December 2014, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and annexes thereto,

Stressing the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's Republic

of Korea,[1] which has been welcomed both by the Human Rights Council and the General Assembly, and transmitted to the relevant bodies of the United Nations, including the Security Council,

Deeply concerned at the systematic, widespread and gross human rights violations in the Democratic People's Republic of Korea that, in many instances, constitute crime against humanity, as well as at the impunity of perpetrators, as described in the report of the commission of inquiry,

Concerned that the precarious humanitarian situation in the country is exacerbated by the failure of the Government of the Democratic People's Republic of Korea to provide humanitarian agencies with free and unimpeded access to all populations in need and by its national policy priorities that, among others, prioritize military spending over citizens' access to food,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including by ensuring equal access to adequate food, as well as, among others, freedom of religion or belief, freedom of expression and freedom of association and assembly,

Recognizing that particular risk factors affect women, children, persons with disabilities and the elderly, and the need to ensure the full enjoyment of all their human rights and fundamental freedoms by them against neglect, abuse, exploitation and violence,

Acknowledging the participation of the Democratic People's Republic of Korea in the second universal periodic review process, noting the acceptance by the Government of the Democratic People's Republic of Korea of 113 out of the 268 recommendations contained in the outcome of the review and its stated commitment to implement them and look into the possibility of implementing a further 58 recommendations, and emphasizing the importance that the Democratic People's Republic of Korea accept andimplement the recommendations in order to address the grave human rights violations in the country,

Recognizing the important work of the treaty bodies in monitoring implementation of international human rights obligations, and emphasizing the need for the Democratic People's Republic of Korea to comply with its human rights obligations and to ensure regular and timely reporting to the treaty bodies,

Noting the importance of the issue of international abductions and of the immediate return of all abductees, taking note of the outcome of the government-level consultation between the Democratic People's Republic of Korea and Japan in May 2014, and expecting concrete and positive results from the investigations being conducted by the Democratic People s Republic of Korea on all the Japanese nationals, in particular victims of abduction,

Noting the importance of inter-Korean dialogue, which could contribute to the improvement of the human rights and humanitarian situation in the Democratic People's Republic of Korea,

Stressing that the resumption of the reunions of separated families across the border is an urgent humanitarian concern of the entire Korean people that needs to be resolved without further delay, and hoping that necessary arrangements for further reunions on a larger scale and a regular basis will be made by the Democratic People's Republic of Korea, the Republic of Korea and members of the Korean diaspora,

[1] A/HRC/25/63.

Reaffirming the importance of States engaging fully and constructively with the Human Rights Council, including with the universal periodic review process and other mechanisms of the Council, for the improvement of their situation of human rights,

1. *Condemns in the strongest terms* the long-standing and ongoing systematic, widespread and gross human rights violations and other human rights abuses committed in the Democratic People's Republic of Korea, and expresses its grave concern at the detailed findings made by the commission of inquiry in its report, including:

(*a*) The denial of the right to freedom of thought, conscience and religion, as well as of the rights to freedom of opinion, expression and association, which is enforced through an absolute monopoly on information and total control over organized social life, as well as arbitrary and unlawful State surveillance that permeates the private lives of all citizens;

(*b*) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion; discrimination against women, including unequal access to employment, discriminatory laws and regulations, and violence against women;

(*c*) Violations of all aspects of the right to freedom of movement, including forced assignment to State-designated places of residence and employment, often based on the *songbun* system, and denial of the right to leave one's own country;

(*d*) Systematic, widespread and grave violations of the right to food and related aspects of the right to life, exacerbated by widespread hunger and malnutrition;

(*e*) Violations of the right to life and acts of extermination, murder, enslavement, torture, imprisonment, rape and other grave forms of sexual violence and persecution on political, religious and gender grounds in political prison camps and ordinary prisons, and the widespread practice of collective punishment with harsh sentences imposed on innocent individuals;

(*f*) Systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy;

2. *Urges* the Government of the Democratic People's Republic of Korea to acknowledge the human rights violations in the country and to take immediate steps to end all such violations and abuses through, inter alia, the implementation of relevant recommendations in the report of the commission of inquiry, including, but not limited to, the following steps:

(*a*) To ensure the right to freedom of thought, conscience and religion, as well as the rights to freedom of opinion, expression and association, including by permitting the establishment of independent newspapers and other media;

(*b*) To end discrimination against citizens, including State-sponsored discrimination based on the *songbun* system, and to take immediate steps to ensure gender equality and to protect women from gender-based violence;

(*c*) To ensure the right to freedom of movement, including the freedom to choose one's place of residence and employment;

(*d*) To promote equal access to food, including through full transparency regarding the provision of humanitarian assistance, so that such assistance is genuinely provided to vulnerable persons;

(*e*) To immediately halt all human right violations relating to prison camps, including the practice of forced labour, to dismantle all political prison camps and release

all political prisoners, to immediately cease the practice of the arbitrary execution of persons in custody, and to ensure that justice sector reforms provide protections for a fair trial and due process;

(*f*) To resolve the issue of all persons who have been abducted or otherwise forcibly disappeared, as well as their descendants, in a transparent manner, including by ensuring their immediate return;

3. *Reiterates its deep concern* at the commission's findings concerning the situation of refugees and asylum seekers returned to the Democratic People's Republic of Korea, and other citizens of the Democratic People's Republic of Korea who have been repatriated from abroad and made subject to sanctions, including internment, torture, cruel, inhumane and degrading treatment, sexual violence, enforced disappearance or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat humanely those who seek refuge and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges State parties to comply with their obligations under international human rights law as well as the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto in relation to persons from the Democratic People's Republic of Korea who are covered by those instruments;

4. *Stresses and restates its grave concern* about the commission's finding that the body of testimony gathered and the information received provided reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades; these crimes against humanity entail extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation;

5. *Stresses* that the authorities of the Democratic People's Republic of Korea have failed to prosecute those responsible for crimes against humanity and other human rights violations, and encourages the members of the international community to cooperate with accountability efforts and to ensure that these crimes do not remain unpunished;

6. *Welcomes* General Assembly resolution 69/188 of 18 December 2014, in which the Assembly decided to submit the report of the commission of inquiry to the Security Council and encouraged it to consider the relevant conclusions and recommendations of the commission and to take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the scope for effective targeted sanctions against those who appear to be most responsible for acts that, according to the commission, may constitute crimes against humanity;

7. *Also welcomes* the decision of the Security Council to add the situation in the Democratic People's Republic of Korea to the list of issues of which the Council is seized, the holding of an open Council meeting on 22 December 2014 during which the situation of human rights in the Democratic People's Republic of Korea was discussed, and looks forward to the continued and active engagement of the Council on this matter;

8. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of his mandate despite the lack of access to the country;

9. *Welcomes* the report of the Special Rapporteur submitted to the Human Rights Council at its twenty-eighth session ,[2] in which the Special Rapporteur proposes, among other things, a strategy to address the issue of international abductions, enforced disappearances and related matters in a comprehensive way, including the holding of an international conference thereon;

10. *Also welcomes* the call of the Special Rapporteur for sustained action on this issue by the Human Rights Council, including through a panel discussion to serve as a prominent platform to bring together relevant stakeholders;

11. *Decides* to convene a panel discussion on the situation of human rights in the Democratic People's Republic of Korea, including the issue of international abductions, enforced disappearances and related matters, at its thirtieth session, and requests the Office of the High Commissioner to liaise with States and all stakeholders, including relevant United Nations funds, agencies and programmes, treaty bodies, special procedures of the Human Rights Council, national human rights institutions and civil society with a view to ensuring their participation in the panel discussion;

12. *Decides* to extend the mandate of the Special Rapporteur of the situation of human rights in the Democratic People's Republic of Korea in accordance with Human Rights Council resolution 25/25 for a period of one year;

13. *Calls again upon* all parties concerned, including United Nations bodies, to consider implementation of the recommendations made by the commission of inquiry in its report in order to address the dire situation of human rights in the Democratic People's Republic of Korea;

14. *Welcomes* the steps taken by the Office of the High Commissioner towards establishing a field-based structure in the Republic of Korea to strengthen the monitoring and documentation of the situation of human rights in the Democratic People's Republic of Korea, to ensure accountability, to provide the Special Rapporteur with increased support, to enhance the engagement and capacity-building of the Governments of all States concerned, civil society and other stakeholders and to maintain the visibility of the situation of human rights in the Democratic People's Republic of Korea, including through sustained communications, advocacy and outreach initiatives, and requests the Office to present an oral update to the Human Rights Council at its thirtieth session, and a comprehensive report at its thirty-first session on the role and achievements of the Office , including on the field-based structure;

15. *Calls upon* all States to undertake to ensure that the field-based structure of the Office of the High Commissioner can function with independence, that it has sufficient resources and that it is not subjected to any reprisals or threats;

16. *Requests* the Office of the High Commissioner to report on its follow-up efforts in the regular annual report of the Secretary-General submitted to the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, effective as of the sixty-ninth session of the Assembly;

17. *Requests* the Special Rapporteur to submit regular reports to the Human Rights Council and to the General Assembly on the implementation of his mandate, including on the follow-up efforts made in the implementation of the recommendations of the commission of inquiry;

[2] /HRC/28/71.

18. *Acknowledges* that the Special Rapporteur held a dialogue with the representatives of the Democratic People's Republic of Korea in New York on 27 October 2014, and urges the Government of the Democratic People's Republic of Korea, through continuous dialogues, to invite and to cooperate fully with the Special Rapporteur, and to give the Special Rapporteur and supporting staff unrestricted access to visit the country, and to provide them with all information necessary to enable them to fulfil such a mandate, and also to promote technical cooperation with the Office of the High Commissioner;

19. *Encourages* the United Nations system, including its specialized agencies, States, regional intergovernmental organizations, interested institutions, independent experts and non-governmental organizations to develop constructive dialogue and cooperation with special procedures mandate holders, including the Special Rapporteur, and the field-based structure of the Office of the High Commissioner;

20. *Encourages* all States that have relations with the Democratic People's Republic of Korea to use their influence to encourage it to take immediate steps to end all human rights violations, including by closing political prison camps and undertaking profound institutional reforms;

21. *Requests* the Secretary-General to provide the Special Rapporteur and the Office of the High Commissioner with regard to the field-based structure with all the assistance and adequate staffing necessary to carry out the mandate effectively, and to ensure that the mandate holder receives the support of the Office of the High Commissioner;

22. *Decides* to transmit all reports of the Special Rapporteur to all relevant bodies of the United Nations and to the Secretary-General for appropriate action.

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Angola,* Austria,* Belgium,* Botswana, Bulgaria,* Costa Rica,* Croatia,* Cyprus,* Denmark,* Djibouti,* Estonia, Finland,* France, Georgia,* Germany, Greece,* Honduras,* Hungary,* Ireland, Italy,* Kenya, Latvia, Lebanon,* Liechtenstein,* Lithuania,* Luxembourg,* Maldives, Malta,* Mauritania,* Monaco,* Montenegro, Morocco, Netherlands, New Zealand,* Norway,* Panama,* Paraguay, Peru,* Poland,* Portugal, Republic of Moldova,* Romania,* Senegal,* Slovakia,* Slovenia,* Spain,* State of Palestine,* Sweden,* Switzerland,* the former Yugoslav Republic of Macedonia, Timor-Leste,* Tunisia,* Uruguay,* Yemen:* draft resolution

28/...Human rights and the environment

The Human Rights Council,

Reaffirming Human Rights Council resolutions 16/11 of 24 March 2011, 19/10 of 22 March 2012 and 25/21 of 28 March 2014 on human rights and the environment, as well as relevant resolutions of the Commission on Human Rights,

Bearing in mind General Assembly resolutions 60/251 of 15 March 2006 and 65/281 of 17 June 2011, and Human Rights Council resolution 16/21 of 25 March 2011,

Recalling Human Rights Council resolutions 5/1 on institution-building of the Council, and 5/2 on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also the outcome of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012, and its outcome document, "The future we want", and aiming to contribute to follow-up processes, including the identification and realization of sustainable development goals,

Recalling further the principles of the Rio Declaration on Environment and Development,

* Non-member State of the Human Rights Council.

Recognizing that human beings are at the centre of concerns for sustainable development, that the right to development must be fulfilled in order to meet the development and environmental needs of present and future generations equitably, and that the human person is the central subject of development and should be the active participant in and beneficiary of the right to development,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recognizing that sustainable development and the protection of the environment can contribute to human well-being and to the enjoyment of human rights,

Recognizing also, conversely, that climate change, unsustainable management and use of natural resources and the unsound management of chemicals and wastes may interfere with the enjoyment of a safe, clean, healthy and sustainable environment, and that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights, in particular, the right to life, the right to the enjoyment of the highest attainable standard of physical and mental health, the right to an adequate standard of living and its components, such as the right to food, and the rights to safe drinking water and sanitation, and to adequate housing,

Recognizing further that, while these implications affect individuals and communities around the world, environmental damage is felt most acutely by those segments of the population already in vulnerable situations,

1. *Welcomes* the work of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, including the clarification of important aspects of the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the progress in compiling good practices, the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions, and the undertaking of country missions;

2. *Also welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on the issue of human rights and the environment;

3. *Takes note with appreciation* of the work undertaken by the United Nations Environment Programme in support of the mandate of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment;

4. *Decides* to extend the mandate of the current mandate holder as a special rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment for a period of three years;

5. *Encourages* the Special Rapporteur, in fulfilling his or her mandate:

(*a*) To continue to study, in consultation with Governments, relevant international organizations and intergovernmental bodies, including the United Nations Environment Programme and the United Nations Development Programme, and relevant multilateral environment agreements, human rights mechanisms, local authorities, national human rights institutions, civil society organizations, including those representing indigenous peoples and other persons in vulnerable situations, the private sector and academic institutions, the human rights obligations, including non-discrimination obligations, relating to the enjoyment of a safe, clean, healthy and sustainable environment, paying attention to climate change, biodiversity and ecosystem management, and environmental governance;

(*b*) To continue to identify, promote and exchange views on good practices, including at the subnational, national, subregional and regional levels, relating to human rights obligations and commitments that inform, support and strengthen environmental policymaking, especially in the area of environmental protection, and in that regard, to update and disseminate the compendium of good practices;

(*c*) To promote and report on the realization of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and to disseminate his or her findings by, inter alia, continuing to give particular emphasis to practical solutions with regard to their implementation;

(*d*) To work on identifying challenges and obstacles to the full realization of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, as well as protection gaps thereto, including in the context of sustainable development;

(*e*) To continue contributing, where appropriate, to intergovernmental conferences and meetings, including but not limited to those of the United Nations Framework Convention on Climate Change, and follow-up processes to the United Nations Conference on Sustainable Development, in particular the discussions on the post-2015 development agenda;

(*f*) To develop a dialogue, liaise and collaborate with all relevant stakeholders with a view to enhancing public awareness of the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment;

(*g*) To apply a gender perspective by, inter alia, considering the particular situation of women and girls and identifying gender-specific discrimination and vulnerabilities;

(*h*) To work in close coordination, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies, programmes, agencies and funds, including the United Nations Environment Programme and the United Nations Development Programme, the treaty bodies and international and regional organizations, multilateral environmental agreements, taking into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;

(*i*) To submit an annual report, including conclusions and recommendations, to the Council;

6. *Calls upon* all States, United Nations agencies, programmes and funds, other international organizations and non-governmental organizations, the private sector and national human rights institutions to cooperate fully with the Special Rapporteur, including by providing all necessary information related to the mandate to enable him or her to fulfil the mandate;

7. *Requests* the High Commissioner to ensure that the Special Rapporteur receives the resources necessary to enable him or her to discharge the mandate fully;

8. *Requests* the Special Rapporteur, in collaboration with the Office of the High Commissioner:

(*a*) To convene, prior to the thirty-first session of the Human Rights Council, an environmentally friendly expert seminar on the effective implementation of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, challenges thereto and the way forward, on the basis of the findings of the special procedure mandate holder;

(*b*) To invite States and other relevant stakeholders, including academic experts and civil society organizations, to participate actively in the seminar;

(*c*) To invite relevant experts of the United Nations programmes, agencies and funds, and other international organizations to participate in the seminar;

(*d*) To submit to the Human Rights Council, at its thirty-first session, a summary report on the above-mentioned seminar, including any recommendations stemming therefrom, for consideration of further follow-up action;

9. *Requests* the Office of the High Commissioner to collaborate with United Nations programmes, agencies and funds, in particular the United Nations Environment Programme, with a view to facilitate the exchange of knowledge on human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment;

10. *Invites* States to consider the compilation of good practices contained in the report of the Independent Expert[1] when fulfilling their human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and to include information on action taken in this regard when reporting to the United Nations human rights system;

11. *Decides* to remain seized of the matter, in accordance with its annual programme of work.

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[1] A/HRC/28/61.

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Angola,* Argentina, Armenia,* Austria,* Belgium,* Bolivia (Plurinational State of), Brazil, Croatia,* Cyprus,* Denmark,* Ecuador,* Egypt,* El Salvador, Estonia, Finland,* France, Germany, Greece,* Haiti,* Honduras,* Hungary,* Ireland, Italy,* Latvia, Lithuania,* Luxembourg,* Malta,* Mexico, Montenegro, Netherlands, New Zealand,* Nicaragua,* Panama,* Paraguay, Peru,* Portugal, Republic of Moldova,* Romania,* Slovakia,* Slovenia,* Spain,* State of Palestine,* Sweden,* Switzerland,* Thailand,* the former Yugoslav Republic of Macedonia, Timor-Leste,* Uruguay:*
draft resolution

28/... Question of the realization in all countries of economic, social and cultural rights

The Human Rights Council,

Guided by the principles of economic, social and cultural rights enshrined in international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome and General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling also that the promotion and protection of one category of rights should never exempt States from the promotion and protection of the other rights,

Recalling also the United Nations Millennium Declaration, in which the Heads of State and Government affirmed their commitment to spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development,

* Non-member State of the Human Rights Council.

Recalling further its resolutions on the question of the realization in all countries of economic, social and cultural rights, and the resolutions adopted by the Commission on Human Rights on the same topic,

Reaffirming the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, including particularly the adoption of legislative measures,

Underlining efforts to achieve internationally agreed development goals, mindful that the unfinished work on the Millennium Development Goals should continue in the post-2015 development agenda, and recognizing the crucial importance of giving due consideration to economic, social and cultural rights in the elaboration of this agenda,

Underlining also the human rights principles of, inter alia, non-discrimination, human dignity, equity, equality, universality and participation, as affirmed in international human rights law and in the Vienna Declaration and Programme of Action, and emphasizing that the rights enunciated in the International Covenant on Economic, Social and Cultural Rights are to be realized in a non-discriminatory manner,

Recognizing that human rights and social protection floors complement each other, and that social protection floors, when used as a baseline, have the potential to facilitate the enjoyment of economic, social and cultural rights and to reduce poverty and inequality,

1. *Calls upon* all States to give full effect to economic, social and cultural rights by, inter alia, taking all appropriate measures to implement the Human Rights Council resolutions on the question of the realization in all countries of economic, social and cultural rights, the most recent of which is resolution 25/11 of 27 March 2014;

2. *Welcomes* the two latest ratifications of the International Covenant on Economic, Social and Cultural Rights, calls upon all States that have not yet signed and ratified the Covenant to consider doing so as a matter of priority, and calls upon States parties to consider reviewing their reservations thereto;

3. *Also welcomes* the six latest ratifications of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and encourages all States that have not yet signed and ratified the Optional Protocol to consider doing so and also to consider making declarations under articles 10 and 11 thereof;

4. *Takes note with appreciation* of the report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights, with a special focus on the importance of social protection floors for the realization of economic, social and cultural rights,[1] submitted pursuant to Human Rights Council resolution 25/11, and of the conclusions contained therein;

5. *Recognizes* that social protection policies play a critical role in realizing economic, social and cultural rights for all, reducing poverty and inequality, and supporting inclusive growth;

6. *Acknowledges* that social protection floors may facilitate the enjoyment of human rights, including the rights to social security, the highest attainable standard of physical and mental health, an adequate standard of living, including adequate food, clothing and housing, education, and safe drinking water and sanitation, in accordance with the human rights obligations of States and, in this regard, underlines the importance of

[1] A/HRC/28/35.

compliance with the principles of non-discrimination, transparency, participation and accountability;

7. *Also acknowledges* that the establishment and implementation of social protection floors in accordance with State obligations to promote, protect and fulfil human rights may contribute to ensuring minimum essential levels and promoting the progressive realization of economic, social and cultural rights, gender equality and the protection of persons in a situation of vulnerability;

8. *Encourages* States to put in place social protection floors as part of comprehensive social protection systems that will contribute to the enjoyment and realization of human rights;

9. *Underlines* the importance of an effective remedy for violations of economic, social and cultural rights, and in this regard takes note with appreciation of measures taken to facilitate access to complaints procedures and the domestic adjudication of cases, as appropriate, for victims of alleged human rights violations;

10. *Welcomes* the steps taken at the national level to implement economic, social and cultural rights, including the enactment of appropriate legislation and adjudication by national courts;

11. *Reiterates* that respect for and the promotion and protection of human rights are an integral part of effective work towards achieving internationally agreed development goals, and the importance of giving due consideration to equality, social protection and accountability in the context of the realization of economic, social and cultural rights in the elaboration of the post-2015 development agenda;

12. *Notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through the submission of general comments, the consideration of periodic reports and, for States parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the examination of individual communications;

13. *Also notes with interest* the work of other relevant treaty bodies and special procedures in the promotion and protection of economic, social and cultural rights within their respective mandates;

14. *Encourages* enhanced cooperation and, as appropriate, increased coordination between the Committee on Economic, Social and Cultural Rights and United Nations bodies, specialized agencies and programmes, mechanisms of the Human Rights Council and other human rights treaty bodies whose activities have a bearing on economic, social and cultural rights, in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

15. *Recognizes and encourages* the important contributions of regional organizations, national human rights institutions and civil society, including non-governmental organizations, academic and research institutions, business enterprises and trade unions to the question of the realization and enjoyment of economic, social and cultural rights, including training and information activities;

16. *Welcomes* the activities carried out by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights, mainly through technical cooperation, the work of its field offices, its relevant reports to United Nations bodies, the development of in-house expertise, including on human rights indicators, and its publications, studies, training and information activities on related issues, including through new information technologies;

17. *Requests* the Secretary-General to continue to prepare and submit to the Human Rights Council an annual report on the question of the realization in all countries of economic, social and cultural rights under agenda item 3, with a special focus on a compilation of best practices adopted by States to measure progress in the realization of economic, social and cultural rights, including national indicators to advance the realization of such rights;

18. *Decides* to remain seized of this issue and to consider taking further action in order to implement the present resolution.

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Agenda item 4
Human rights situations that require the Council's attention

Albania, Andorra,* Australia,* Austria,* Belgium,* Bosnia and Herzegovina,* Bulgaria,* Croatia,* Cyprus,* Czech Republic,* Denmark,* Estonia, Finland,* France, Georgia,* Germany, Greece,* Hungary,* Iceland,* Ireland, Italy,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro, Netherlands, Poland,* Portugal, Republic of Moldova,* Romania,* San Marino,* Slovakia,* Slovenia,* Spain,* Sweden,* the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

28/... Situation of human rights in Myanmar

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming previous resolutions on the situation of human rights in Myanmar, the most recent being Human Rights Council resolution 25/26 of 28 March 2014 and General Assembly resolution 69/248 of 29 December 2014, and President's statement PRST/23/1 of 14 June 2013,

Welcoming the work and reports of the Special Rapporteur on the situation of human rights in Myanmar, as well as the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of her visits to the country from 17 to 26 July 2014 and 7 to 16 January 2015,

Recalling Human Rights Council resolution 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the positive developments in Myanmar and the commitment of the Government of Myanmar to continue on its path of political, economic and democratic reform, encourages its continued efforts towards national reconciliation and the promotion and protection of human rights, and, while recognizing the scale of the reform effort undertaken to date, encourages the Government to take further steps to consolidate the progress made and address outstanding issues;

2. *Welcomes* the continued engagement of the Government of Myanmar with political actors within the Parliament and the opposition parties, urges the Government to

continue constitutional reform and to ensure that the constitutional referendum and the elections to be held in 2015 and beyond are credible, inclusive and transparent, ensuring equal opportunity for the representation and participation of women as candidates and voters and that all the people of Myanmar are able to cast their vote, allowing all candidates to fairly contest and the international community to monitor the elections, and ensuring that the democratic transition of Myanmar is sustained by bringing all national institutions, including the military, under a democratically elected, fully representative civilian government;

3. *Recalls* the earlier release of prisoners of conscience, stresses the important role played by the Committee for Scrutinizing the Remaining Prisoners of Conscience, encourages the continuation of the work of the newly constituted Prisoners of Conscience Affairs Committee and the incorporation of broader representation from the political prisoners' community, and urges the Government of Myanmar to fulfil its commitment to the unconditional release of all remaining political prisoners, including all political activists, journalists, human rights defenders and peaceful protesters recently detained or convicted, and to provide for the full rehabilitation of former prisoners of conscience;

4 *Calls upon* the Government of Myanmar to implement its obligations to protect the right to freedom of expression, association and peaceful assembly, to allow for free and independent media and to take appropriate steps to ensure the safety and security of journalists, civil society activists and human rights defenders and their freedom to pursue their activities, and to maintain particular vigilance to ensure that these freedoms, as well as the operating space for civil society, are fully protected in the approach to the elections;

5. *Encourages* the Government of Myanmar to ensure that the National Human Rights Commission is able to discharge its functions fully and in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

6. *Urges* the Government of Myanmar to step up its efforts to end all remaining human rights violations and abuses, including arbitrary arrest and detention, forced displacement, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment or punishment, arbitrary deprivation of property, including land, and violations of international humanitarian law in some parts of the country, and repeats its call upon the Government to take necessary measures to ensure accountability and end impunity;

7. *Encourages* the Government of Myanmar to take further steps to strengthen good governance and the rule of law, welcomes the ongoing efforts aimed at reviewing and reforming legislation, including the Constitution, stresses the need for and relevance of such reforms, recalls the importance of ensuring their compatibility with international standards and democratic principles, and calls upon the Government and political actors to continue legal reform, to address the need for an independent, impartial and effective judiciary, and for an independent and self-governing professional organization of lawyers, and to consider ratifying additional international instruments, including international human rights conventions, and incorporating them into national legislation;

8. *Urges* the Government of Myanmar to accelerate its efforts to address discrimination, human rights violations, incitement to violence, acts of violence, displacement and economic deprivation affecting members of ethnic and religious minorities, to take all measures necessary to prevent attacks against Muslims and members of other minorities and to hold actors who incite and commit violence accountable, calls upon the Government to ensure the right to vote, freedom of movement and equal access to services, including health and education, and also calls upon the Government to ensure that any legislation on the protection of race and religion is consistent with the transition

towards national reconciliation and an open democratic society, and fully consistent with international human rights treaties to which Myanmar is a party;

9. *Expresses concern* at the increase in nationalist-based intolerance of religious and ethnic minorities, as well as of the United Nations and other international organizations, urges the Government of Myanmar and political leaders to publicly condemn such discourse, and calls upon the Government to take concrete measures against it where it amounts to advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence;

10. *Reiterates its serious concern* about the situation of persons belonging to the Rohingya minority and other minorities in Rakhine State, including further instances of violence and other abuses that have led all communities to suffer tremendous trauma, and about reports in the past year of attacks against and abuses of Muslim minorities elsewhere in the country and about intimidation of and threats to the United Nations and other humanitarian workers operating in Rakhine State, and calls upon the Government of Myanmar to protect all civilians from violence, to allow for self-identification, to ensure full respect for human rights and fundamental freedoms, and rapid and unimpeded access to humanitarian assistance without discrimination across Rakhine State and the safe and voluntary return of internally displaced persons to their communities of origin, and to allow freedom of movement for all persons belonging to the Rohingya minority;

11. *Expresses concern* at the declaration of the Government of Myanmar that all white card identity documents would expire on 31 March 2015, which will deny persons belonging to the Rohingya minority any form of identification and the right to vote, and calls upon the Government to issue identity documents for all current white card holders, without discrimination, and including all persons belonging to the Rohingya minority, to ensure equal access to full citizenship and related rights, and, while welcoming some measures taken by the Government, encourages it, as well as political and civil society leaders, to facilitate interfaith and intercommunity dialogue, including in Rakhine State, and to undertake full, transparent and independent investigations into all reports of human rights violations and abuses, to address the root causes, to ensure accountability and to bring about reconciliation;

12. *Encourages* continued efforts towards a durable nationwide ceasefire with ethnic armed groups and towards an all-inclusive political dialogue leading to comprehensive political solutions, emphasizes the importance of the full, equal and effective participation of women, particularly from communities affected by conflict, in all activities related to the prevention and resolution of armed conflict, the maintenance of peace and security and post-conflict peacebuilding, with the objective of achieving lasting peace; expresses concern at the declaration of a state of emergency and the imposition of martial law in the Kokang self-administered zone and at the increased fighting in Shan and Kachin States; and urges the full implementation of existing ceasefire agreements, including for all parties, to protect the civilian population against violations and abuses of human rights and violations of international humanitarian law and for safe, timely, rapid and unimpeded humanitarian access to be granted to all areas;

13. *Welcomes* the continued engagement and continued cooperation of the Government of Myanmar with the United Nations, including the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Country Task Force on Monitoring and Reporting, co-chaired by the United Nations Children's Fund and the Resident Coordinator for the United Nations, the International Labour Organization and other international actors, and the progress made towards ending the recruitment and use of child soldiers in Myanmar and the elimination of forced labour, including the Government's continued commitment to the joint action plan with the Country Task Force on Monitoring and Reporting to end and prevent the recruitment and use of children by the

armed forces, and encourages its full implementation and also the implementation of other relevant agreements, including the commitment to end forced labour by 2015;

14. *Expresses concern* at further delays, while recalling the commitment of the Government of Myanmar, to open a country office of the Office of the United Nations High Commissioner for Human Rights, notes the ongoing negotiations and calls upon the Government to promptly establish the office with a full mandate, including monitoring, reporting and technical assistance, to specify a process for the opening of the office in accordance with the mandate of the High Commissioner, and to cooperate with other United Nations actors in the country;

15. *Encourages* the international community to continue to support the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of its democratic transitional process and its economic and social development, and calls upon all business enterprises to meet their responsibility to respect human rights in accordance with the Guiding Principles on Business and Human Rights;

16. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar in accordance with the relevant resolutions of the Commission on Human Rights and Human Rights Council resolutions 7/32 of 28 March 2008, 10/2 of 27 March 2009, 13/25 of 26 March 2010, 16/24 of 25 March 2011, 19/21 of 23 March 2012, 22/14 of 21 March 2013 and 25/26, and invites the Special Rapporteur to include in his or her next report, inter alia, further recommendations on the needs of Myanmar, including with regard to technical assistance and capacity-building, and information on the progress in the electoral process and reform in the run-up to the 2015 elections as well as in the post-electoral period;

17. *Calls upon* the Government of Myanmar to continue its cooperation with the Special Rapporteur in the exercise of the mandate, including by facilitating further visits and, while recognizing the cooperation of the Government with the Special Rapporteur, calls upon the Office of the High Commissioner to provide the Special Rapporteur with all the assistance and resources necessary to enable her to discharge the mandate fully;

18. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its seventieth session and to the Human Rights Council in accordance with its annual programme of work;

19. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, and calls upon the Government of Myanmar to ensure full cooperation with the Secretary-General and his Special Adviser on Myanmar.

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Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Albania, Andorra,* Australia,* Austria,* Belgium,* Bosnia and Herzegovina,* Bulgaria,* Croatia,* Cyprus,* Czech Republic,* Denmark,* Estonia, Finland,* France, Georgia,* Germany, Greece,* Hungary,* Iceland,* Ireland, Italy,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro, Netherlands, Poland,* Portugal, Republic of Moldova,* Romania,* San Marino,* Slovakia,* Slovenia,* Spain,* Sweden,* the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

28/... Situation of human rights in Myanmar

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming previous resolutions on the situation of human rights in Myanmar, the most recent being Human Rights Council resolution 25/26 of 28 March 2014 and General Assembly resolution 69/248 of 29 December 2014, and President's statement PRST/23/1 of 14 June 2013,

Welcoming the work and reports of the Special Rapporteur on the situation of human rights in Myanmar, as well as the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of her visits to the country from 17 to 26 July 2014 and 7 to 16 January 2015,

Recalling Human Rights Council resolution 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the positive developments in Myanmar and the commitment of the Government of Myanmar to continue on its path of political, economic and democratic reform, encourages its continued efforts towards national reconciliation and the promotion and protection of human rights, and, while recognizing the scale of the reform effort undertaken to date, encourages the Government to take further steps to consolidate the progress made and address outstanding issues;

2. *Also welcomes* the continued engagement of the Government of Myanmar with political actors within the Parliament and the opposition parties, urges the Government to continue constitutional reform and to ensure that the constitutional referendum and the elections to be held in 2015 and beyond are credible, inclusive and transparent, ensuring equal opportunity for the representation and participation of women as candidates and voters and that all the people of Myanmar are able to cast their vote, allowing all candidates to fairly contest and the international community to monitor the elections, and ensuring that the democratic transition of Myanmar is sustained by bringing all national institutions, including the military, under a democratically elected, fully representative civilian government;

3. *Recalls* the earlier release of prisoners of conscience, stresses the important role played by the Committee for Scrutinizing the Remaining Prisoners of Conscience, encourages the continuation of the work of the newly constituted Prisoners of Conscience Affairs Committee and the incorporation of broader representation from the political prisoners' community, and urges the Government of Myanmar to fulfil its commitment to the unconditional release of all remaining political prisoners, including all political activists, journalists, human rights defenders and peaceful protesters recently detained or convicted, and to provide for the full rehabilitation of former prisoners of conscience;

4 *Calls upon* the Government of Myanmar to implement its obligations to protect the right to freedom of expression, association and peaceful assembly, to allow for free and independent media and to take appropriate steps to ensure the safety and security of journalists, civil society activists and human rights defenders and their freedom to pursue their activities, and to maintain particular vigilance to ensure that these freedoms, as well as the operating space for civil society, are fully protected in the approach to the elections;

5. *Encourages* the Government of Myanmar to ensure that the National Human Rights Commission is able to discharge its functions fully and in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

6. *Urges* the Government of Myanmar to step up its efforts to end all remaining human rights violations and abuses, including arbitrary arrest and detention, forced displacement, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment or punishment, arbitrary deprivation of property, including land, and violations of international humanitarian law in some parts of the country, and repeats its call upon the Government to take necessary measures to ensure accountability and end impunity;

7. *Encourages* the Government of Myanmar to take further steps to strengthen good governance and the rule of law, welcomes the ongoing efforts aimed at reviewing and reforming legislation, including the Constitution, stresses the need for and relevance of such reforms, recalls the importance of ensuring their compatibility with international standards and democratic principles, and calls upon the Government and political actors to continue legal reform, to address the need for an independent, impartial and effective judiciary, and for an independent and self-governing professional organization of lawyers, and to consider ratifying additional international instruments, including international human rights conventions, and incorporating them into national legislation;

8. *Urges* the Government of Myanmar to accelerate its efforts to address discrimination, human rights violations, incitement to violence, acts of violence, displacement and economic deprivation affecting members of ethnic and religious minorities, to take all measures necessary to prevent attacks against Muslims and members of other minorities and to hold actors who incite and commit violence accountable, calls upon the Government to ensure the right to vote, freedom of movement and equal access to

services, including health and education, and also calls upon the Government to ensure that any legislation on the protection of race and religion is consistent with the transition towards national reconciliation and an open democratic society, and fully consistent with international human rights treaties to which Myanmar is a party;

9. *Expresses concern* at the increase in nationalist-based intolerance of religious and ethnic minorities, as well as of the United Nations and other international organizations, urges the Government of Myanmar and political leaders to publicly condemn such discourse, and calls upon the Government to take all necessary and appropriate action, in conformity with its international human rights obligations, to combat violence;

10. *Reiterates its serious concern* about the situation of persons belonging to the Rohingya minority and other minorities in Rakhine State, including further instances of violence and other abuses that have led all communities to suffer tremendous trauma, and about reports in the past year of attacks against and abuses of Muslim minorities elsewhere in the country and about intimidation of and threats to the United Nations and other humanitarian workers operating in Rakhine State, and calls upon the Government of Myanmar to protect all civilians from violence, to allow for self-identification, to ensure full respect for human rights and fundamental freedoms, and rapid and unimpeded access to humanitarian assistance without discrimination across Rakhine State and the safe and voluntary return of internally displaced persons to their communities of origin, and to allow freedom of movement for all persons belonging to the Rohingya minority;

11. *Expresses concern* at the declaration of the Government of Myanmar that all white card identity documents would expire on 31 March 2015, which will deny persons belonging to the Rohingya minority any form of identification and the right to vote, and calls upon the Government to issue identity documents for all current white card holders, without discrimination, and including all persons belonging to the Rohingya minority, to ensure equal access to full citizenship and related rights, and, while welcoming some measures taken by the Government, encourages it, as well as political and civil society leaders, to facilitate interfaith and intercommunity dialogue, including in Rakhine State, and to undertake full, transparent and independent investigations into all reports of human rights violations and abuses, to address the root causes, to ensure accountability and to bring about reconciliation;

12. *Encourages* continued efforts towards a durable nationwide ceasefire with ethnic armed groups and towards an all-inclusive political dialogue leading to comprehensive political solutions, emphasizes the importance of the full, equal and effective participation of women, particularly from communities affected by conflict, in all activities related to the prevention and resolution of armed conflict, the maintenance of peace and security and post-conflict peacebuilding, with the objective of achieving lasting peace; expresses concern at the declaration of a state of emergency and the imposition of martial law in the Kokang self-administered zone and at the increased fighting in Shan and Kachin States; and urges the full implementation of existing ceasefire agreements, including for all parties, to protect the civilian population against violations and abuses of human rights and violations of international humanitarian law and for safe, timely, rapid and unimpeded humanitarian access to be granted to all areas;

13. *Welcomes* the continued engagement and continued cooperation of the Government of Myanmar with the United Nations, including the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Country Task Force on Monitoring and Reporting, co-chaired by the United Nations Children's Fund and the Resident Coordinator for the United Nations, the International Labour Organization and other international actors, and the progress made towards ending the recruitment and use of child soldiers in Myanmar and the elimination of forced labour, including the Government's continued commitment to the joint action plan with the Country Task Force

on Monitoring and Reporting to end and prevent the recruitment and use of children by the armed forces, and encourages its full implementation and also the implementation of other relevant agreements, including the commitment to end forced labour by 2015;

14. *Expresses concern* at further delays, while recalling the commitment of the Government of Myanmar to open a country office of the Office of the United Nations High Commissioner for Human Rights, notes the ongoing negotiations and calls upon the Government to promptly establish the office with a full mandate, to specify a process for the opening of the office in accordance with the mandate of the High Commissioner, and to cooperate with other United Nations actors in the country;

15. *Encourages* the international community to continue to support the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of its democratic transitional process and its economic and social development, and calls upon all business enterprises to meet their responsibility to respect human rights in accordance with the Guiding Principles on Business and Human Rights;

16. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar in accordance with the relevant resolutions of the Commission on Human Rights and Human Rights Council resolutions 7/32 of 28 March 2008, 10/2 of 27 March 2009, 13/25 of 26 March 2010, 16/24 of 25 March 2011, 19/21 of 23 March 2012, 22/14 of 21 March 2013 and 25/26, and invites the Special Rapporteur to include in his or her next report, inter alia, further recommendations on the needs of Myanmar, including with regard to technical assistance and capacity-building, and information on the progress in the electoral process and reform in the run-up to the 2015 elections as well as in the post-electoral period;

17. *Calls upon* the Government of Myanmar to continue its cooperation with the Special Rapporteur in the exercise of the mandate, including by facilitating further visits and, while recognizing the cooperation of the Government with the Special Rapporteur, calls upon the Office of the High Commissioner to provide the Special Rapporteur with all the assistance and resources necessary to enable her to discharge the mandate fully;

18. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its seventieth session and to the Human Rights Council in accordance with its annual programme of work;

19. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, and calls upon the Government of Myanmar to ensure full cooperation with the Secretary-General and his Special Adviser on Myanmar.

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Human Rights Council
Twenty-eighth session
Agenda item 8
Follow-up to and implementation of the Vienna Declaration and Programme of Action

Albania, Argentina, Australia,* Botswana, Brazil, Bulgaria,* Chile,* Colombia,* Cyprus,* Georgia,* Greece,* Guatemala,* Hungary,* Iceland,* Ireland, Italy,* Liechtenstein,* Luxembourg,* Mexico, Netherlands, Norway,* Panama,* Paraguay, Portugal, Romania,* Sweden,* Switzerland,* Timor-Leste,* Turkey,* Uruguay:* draft resolution

28/... Contribution of the Human Rights Council to the special session of the General Assembly on the world drug problem of 2016

The Human Rights Council,

Guided by the purposes and principles Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006, as well as Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011, and decision 5/101 of 18 June 2007,

Recalling in particular that the Human Rights Council has the mandate to, inter alia, promote universal respect for the protection of all human rights and fundamental freedoms for all, without discrimination of any kind and in a fair and equal manner, to serve as a forum for dialogue on thematic issues on all human rights, and to promote the effective coordination and the mainstreaming of human rights within the United Nations system,

Reaffirming the universality, interdependence, indivisibility and interrelatedness of human rights as enshrined in the Universal Declaration of Human Rights and consequently elaborated in other human rights instruments,

* Non-member State of the Human Rights Council.

Recalling the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,

Emphasizing the importance of both the universality of the three above-mentioned international drug-control conventions and their implementation, noting that they concern the health and welfare of humankind, and noting the need to promote adequate availability of internationally controlled narcotic drugs and psychotropic substances for medical and scientific purposes, in accordance with national legislation, while preventing their diversion, abuse and trafficking, in order to realize the aims of the said international drug control conventions,

Recalling the Political Declaration adopted by the General Assembly at its twentieth special session, the Declaration on the Guiding Principles of Drug Demand Reduction, the Action Plan on International Cooperation on the Eradication of Illicit Drug Crops and on Alternative Development, the Action Plan for the Implementation of the Declaration on the Guiding Principles of Drug Demand Reduction, the United Nations Guiding Principles on Alternative Development, the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem and the Joint Ministerial Statement of the 2014 high-level review by the Commission on Narcotics Drugs of the Implementation by Member States of the said Political Declaration and Plan of Action,

Underlining that the world drug problem remains a common and shared responsibility that should be addressed in a multilateral setting through effective and increased international cooperation and demands an evidenced-based, integrated, multidisciplinary, mutually reinforcing, balanced and comprehensive approach to supply and demand reduction strategies, and reaffirming its unwavering commitment to ensuring that all aspects of demand reduction, supply reduction and international cooperation are addressed in full conformity with the purposes and principles of the Charter of the United Nations, international law and the Universal Declaration of Human Rights and, in particular with full respect for the sovereignty and territorial integrity of States, the principle of non-intervention in the internal affairs of States, all human rights, fundamental freedoms, non-discrimination, the inherent dignity of all individuals and the principles of equal rights and mutual respect among States,

Recognizing that the world drug problem undermines sustainable development, political stability and democratic institutions, including efforts to eradicate poverty, and threatens national security and the rule of law, and that drug trafficking and abuse pose a major threat to the health, dignity and hopes of millions of people and their families and lead to the loss of human lives,

Noting the developments at the national, subregional, regional and global level and the cooperation undertaken by regional organizations and cross-regional activities in addressing the world drug problem,

Recalling in particular General Assembly resolution 67/193 of 20 December 2012 on international cooperation against the world drug problem, in which the Assembly decided to convene, early in 2016, a special session of the Assembly on the world drug problem to review the progress made in the implementation of the Political Declaration and Plan of Action, including an assessment of the achievements and challenges in countering the world drug problem within the framework of the three international drug control conventions and other relevant United Nations instruments by, inter alia, addressing all the consequences of the world drug problem, including in the heath, social, human rights, economic, justice and security fields,

Recalling all relevant resolutions of the General Assembly and the Economic and Social Council concerning the world drug problem, and particularly the General Assembly resolution 69/200 of 18 December 2014 entitled "Special session of the General Assembly on the world drug problem, to be held in 2016" and Economic and Social Council resolution 2014/24 of 16 July 2014 entitled "Special session of the General Assembly on the world drug problem to be held in 2016",

Recalling also Commission on Narcotic Drugs resolutions 57/5, on the special session of the General Assembly on the world drug problem to be held in 2016, and 51/12, on strengthening cooperation between the United Nations Office on Drugs and Crime and other United Nations entities for the promotion of human rights in the implementation of the international drug control treaties,

Recognizing the principal role of the Commission on Narcotic Drugs and its subsidiary bodies, together with the International Narcotic Control Board, as the United Nations organs with prime responsibility for drug control matters, as well as the role of the World Health Organization and the United Nations Office of Drugs and Crime as the leading entity in the United Nations system for countering the world drug problem, and recalling that the General Assembly decided that the Commission should lead the preparatory process for the special session in 2016 by addressing all organizational and substantive matters in an open-ended manner, and in this regard invited the President of the Assembly to support, guide and stay involved in the process,

Stressing that the General Assembly decided, as recommended by the Commission on Narcotic Drugs, that the special session would have an inclusive preparatory process that includes extensive substantive consultations, allowing organs, entities and specialized agencies of the United Nations system, relevant international and regional organizations, civil society and other relevant stakeholders to fully contribute to the process in accordance with the relevant rules of procedure and established practice,

1. *Requests* the United Nations High Commissioner for Human Rights to prepare a study, in consultation with States, United Nations agencies and other relevant stakeholders, to be presented to the Human Rights Council at its thirtieth session, on the impact of the world drug problem on the enjoyment of human rights, and recommendations on respect for and the protection and promotion of human rights in the context of the world drug problem, with particular consideration for the needs of persons affected and persons in vulnerable situations;

2. *Decides* to convene a panel discussion at its thirtieth session on the impact of the world drug problem on the enjoyment of human rights, informed by the findings contained in the study prepared by the High Commissioner, to have a constructive and inclusive dialogue on this issue with relevant stakeholders, including specialized United Nations agencies and civil society and with the participation of the Commission on Narcotic Drugs, and requests the Office of the High Commissioner to prepare a report on the panel discussion in the form of a summary;

3. *Invites* the High Commissioner to submit to the Commission on Narcotic Drugs, through the Executive Director of the United Nations Office on Drugs and Crime, the contribution of the Human Rights Council to the special session of the General Assembly on the world drug problem to be held in 2016;

4. *Invites* the General Assembly to take into account the contribution of the Human Rights Council during its special session on the world drug problem in 2016 and of the Commission on Narcotic Drugs during the preparatory process, in accordance with the relevant rules of procedure and established practices.

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General Assembly

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Algeria, Angola,* Argentina, Australia,* Austria,* Belgium,* Bolivia (Plurinational State of), Brazil, Bulgaria,* Canada,* Colombia,* Costa Rica,* Croatia,* Cuba, Denmark,* Djibouti,* Finland,* France, Georgia,* Germany, Guatemala,* Honduras,* Hungary,* Iceland,* Ireland, Italy,* Latvia, Luxembourg,* Mexico, Montenegro, Netherlands, New Zealand,* Nicaragua,* Norway,* Panama,* Paraguay, Peru,* Portugal, Romania,* Slovakia,* Slovenia,* Spain,* Sweden,* Switzerland,* Turkey,* United States of America, Uruguay:* draft resolution

28/... Birth registration and the right of everyone to recognition everywhere as a person before the law

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the human right of everyone to be recognized everywhere as a person before the law, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and other relevant international instruments,

Recalling the obligation of States to register all children, without discrimination of any kind, immediately after birth, as provided for in the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and other relevant international instruments to which they are party,

Recognizing the importance of a human rights-based approach to birth registration, based on international human rights obligations and commitments operationally directed to promoting and protecting human rights,

* Non-member State of the Human Rights Council.

Welcoming the continuing efforts of the Committee on the Rights of the Child and other treaty-based bodies towards universal birth registration, such as through recommendations widely addressed to States in this regard,

Recalling the resolutions adopted by the General Assembly and the Human Rights Council in which they call upon States to ensure the registration of all children immediately after birth, and without discrimination of any kind, the most recent being Assembly resolution 69/157 of 18 December 2014 and Council resolution 22/7 of 21 March 2013,

Recognizing the importance of birth registration, including late birth registration and provision of documents of proof of birth, as a means of providing an official record of the existence of a person and the recognition of that individual as a person before the law,

Expressing concern that unregistered individuals may have limited or no access to services and enjoyment of all the rights to which they are entitled, and taking into consideration that registering a person's birth is a vital step towards the promotion and protection of all his or her human rights, and that persons without birth registration are more vulnerable to marginalization, exclusion, discrimination, violence, statelessness, exploitation and abuse,

Recognizing that free birth registration and free or low-fee late birth registration are part of a comprehensive civil registration system that facilitates the development of vital statistics and the effective planning and implementation of programmes and policies intended to promote better governance and to achieve internationally agreed development goals,

Recognizing also the efforts made at the regional level to achieve universal birth registration, including within the 2015–2024 Civil Registration and Vital Statistics Decade for Asia and the Pacific, and the Decade on Civil Registration 2015–2024 in Africa,

Recognizing further that non-governmental organizations, professional associations, media, the private sector and other members of civil society, including those involved in public-private partnerships, can also contribute to the improvement and promotion of community awareness of birth registration in a manner that reflects national priorities and strategies,

1. *Expresses concern* at the fact that, despite ongoing efforts to increase the global rate of birth registration, approximately 230 million children under the age of 5 worldwide are still not registered, according to the United Nations Children's Fund;

2. *Reminds* States of their obligation to register births without discrimination of any kind and irrespective of the status of the parents of the child, and also reminds States that birth registration should take place immediately after birth, and that late birth registration should be limited to those cases that would otherwise result in a lack of registration;

3. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights on birth registration and the right of everyone to recognition everywhere as a person before the law,[1] which documents the wide range of barriers to access to universal birth registration, as well as the good practices adopted by States in fulfilling their obligation to ensure birth registration;

4. *Calls upon* States to establish or strengthen existing institutions at all levels responsible for birth registration and the preservation and security of such records, to ensure adequate training for registration officers, to allocate sufficient and adequate human,

[1] A/HRC/27/22.

technical and financial resources to fulfil their mandate, and to increase, as needed, the accessibility of birth registration facilities, either by increasing the number or through other means, such as mobile birth registration officials in rural areas, paying attention to the local community level, promoting community awareness and working to address the barriers faced by vulnerable groups, such as persons with disabilities, in their access to birth registration;

5. *Also calls upon* States to take all appropriate measures to permanently store and protect civil registration records and to prevent the loss or destruction of records due to emergency or armed conflict situations;

6. *Further calls upon* States to ensure free birth registration, including free or low-fee late birth registration, by means of universal, accessible, simple, expeditious and effective registration procedures, without discrimination of any kind;

7. *Calls upon* States to raise awareness of birth registration continuously at the national, regional and local levels, including by engagement in collaboration with all relevant actors in public campaigns that raise awareness of the importance of birth registration for effective access to services and the enjoyment of human rights;

8. *Also calls upon* States to ensure that lack of birth registration or documents of proof of birth does not constitute an obstacle to access to and the enjoyment of relevant national services and programmes, in accordance with international human rights law;

9. *Urges* States to identify and remove physical, administrative, procedural and any other barriers that impede access to birth registration, including late registration, paying due attention to, among others, those barriers relating to poverty, disability, gender, nationality, displacement, illiteracy and detention contexts, and to persons in vulnerable situations;

10. *Invites* States and other relevant stakeholders to work towards ensuring universal birth registration through, inter alia, the exchange of good practices and technical assistance, including through the universal periodic review and other relevant mechanisms of the Human Rights Council;

11. *Encourages* States to request technical assistance, if required, from relevant United Nations bodies, agencies, funds and programmes and other relevant stakeholders in order to fulfil their obligation to undertake birth registration as a means of respecting the right of everyone to be recognized everywhere as a person before the law;

12. *Invites* relevant United Nations bodies, agencies, funds and programmes and other relevant stakeholders to cooperate with States in providing technical assistance, upon request, and calls upon them to ensure that persons with no birth registration are not discriminated against in any of their programmes;

13. *Recognizes* the importance of international cooperation in supporting national efforts to ensure universal birth registration;

14. *Requests* the High Commissioner to identify and actively pursue opportunities to collaborate with the United Nations Statistics Division and other relevant United Nations agencies, funds and bodies, as well as other relevant stakeholders, in order to strengthen existing policies and programmes aimed at universal birth registration and vital statistics development, and to ensure that they are based on international standards, taking into account best practices, and are implemented in accordance with relevant international human rights obligations, and also requests the High Commissioner to prepare a report on efforts made in this regard, to be submitted to the Human Rights Council at its thirty-third session;

15. *Decides* to consider this issue in accordance with its annual programme of work.

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Angola,* Australia,* Belgium,* Botswana, Bulgaria,* Colombia,* Croatia,*Czech Republic,* Denmark,* El Salvador, Estonia, Georgia,* Greece,* Guatemala,* Hungary,* Ireland, Italy,* Latvia, Lebanon,* Liechtenstein,* Luxembourg,* Maldives, Malta,* Mexico, Montenegro, Morocco,* New Zealand,* Norway,* Panama,* Peru,* Poland,* Portugal, Republic of Korea, Republic of Moldova,* Romania,* Slovakia,* Spain,* Sweden,* the former Yugoslav Republic of Macedonia, Timor-Leste,* Tunisia,* United States of America: draft resolution

28/...Human rights, democracy and the rule of law

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action,

Reaffirming also the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and other relevant international human rights instruments,

Recalling the Millennium Declaration and all General Assembly resolutions on democracy and the rule of law,

Reaffirming Human Rights Council resolution 19/36 of 23 March 2012 on human rights, democracy and the rule of law, and relevant resolutions of the Commission on Human Rights,

Taking note of the study of the United Nations High Commissioner for Human Rights of 2012[1] and the outcome of the panel discussion,[2] held on 11 June 2013 during the twenty-third session of the Human Rights Council, both on the theme of common

* Non-member State of the Human Rights Council.

[1] A/HRC/22/29.

[2] See A/HRC/24/54.

challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective,

Reaffirming that democracy is based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Reaffirming also that, while democracies share common features, there is no single model of democracy and that democracy does not belong to any country or region, and reaffirming further the necessity of due respect for sovereignty and the right to self-determination,

Bearing in mind that challenges to democracy arise in all democratic societies,

Acknowledging the fundamental importance of education and training for human rights and democracy in contributing to the promotion, protection and effective realization of all human rights,

Underlining that, while States have the primary responsibility for safeguarding and strengthening democracy and the rule of law, the United Nations has a critical role in providing assistance and coordinating international efforts to support States, on their request, in their democratization processes,

Urging States to acknowledge the important contribution of civil society and human rights defenders to the promotion of human rights, democracy and the rule of law, and to create a safe and enabling environment for their work,

Recognizing the value of a Human Rights Council forum for exchange, dialogue, mutual understanding and cooperation on issues related to human rights, democracy and the rule of law, in accordance with the principles and purposes of the Charter, and acknowledging the importance of existing regional formats,

Stressing that human rights, democracy and the rule of law are interdependent and mutually reinforcing, and in this regard taking note with interest of the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities,[3] in which the Secretary-General addressed the ways and means of developing further the linkages between the rule of law and the three main pillars of the United Nations: peace and security, human rights and development,

1. *Decides* to establish a forum on human rights, democracy and the rule of law to provide a platform for promoting dialogue and cooperation on issues pertaining to the relationship between these areas;he Forum shall identify and analyse best practices, challenges and opportunities for States in their efforts to secure respect for human rights, democracy and the rule of law;

2. *Expresses* its expectation that the Forum will contribute to the efforts of the Office of the United Nations High Commissioner for Human Rights to improve cooperation among United Nations mechanisms, bodies and specialized agencies, funds and programmes on activities related to the promotion of human rights, democracy and the rule of law, including at the regional level;

3. *Decides* that the Forum shall be open to the participation of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies,

[3] A/68/213/Add.1.

academics and experts and non-governmental organizations in consultative status with the Economic and Social Council; the Forum shall also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Human Rights Council, through an open and transparent accreditation procedure in accordance with the Rules of Procedure of the Council, which will provide for timely information on the participation of and consultations with the States concerned;

4. *Also decides* that the Forum shall meet every two years for two working days allocated to thematic discussions;

5. *Requests* the President of the Human Rights Council to appoint for each session, on the basis of regional rotation, and in consultation with regional groups, a chairperson of the Forum from candidates nominated by members and observers of the Council; the chairperson, serving in his or her personal capacity, shall be responsible for the preparation of a summary of the discussion of the Forum, to be made available to all its participants;

6. *Requests* the High Commissioner to provide all the necessary support to facilitate the convening of the Forum and the participation of relevant stakeholders from every region in its meetings, paying particular attention to ensuring the broadest possible and most equitable participation, with due regard to gender balance;

7. *Requests* the Secretary-General and the High Commissioner to provide the Forum with all the services and facilities necessary to fulfil its mandate;

8. *Decides* that the theme of the first session of the Forum, to be held in 2016, will be "Widening the democratic space: the role of youth in public decision-making".

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Argentina, Armenia,* Bosnia and Herzegovina,* Botswana, Congo, Croatia,* Cyprus,* Democratic Republic of the Congo,* Djibouti,* Greece,* Israel,* Liechtenstein,* Montenegro, Netherlands, New Zealand,* Norway,* Peru,* Slovenia,* Spain,* Timor-Leste,* Uruguay:* draft resolution

28/...Prevention of genocide

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide, as well as other relevant international instruments,

Recalling Human Rights Council resolutions 7/25 of 28 March 2008 and 22/22 of 22 March 2013 on the prevention of genocide,

Reaffirming the significance of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted on 9 December 1948 and succeeded by the adoption of the Universal Declaration of Human Rights on the next day, as an effective international instrument for the prevention and punishment of the crime of genocide,

Emphasizing that the crime of genocide is recognized in the Convention as an odious scourge that has inflicted great losses on humanity, and that further international cooperation is required to facilitate the timely prevention and punishment of the crime of genocide,

Deeply concerned about the occurrence in recent history of genocide, recognized as such by the international community, on the basis of and as defined in the Convention, and bearing in mind that massive, serious and systematic violations of human rights and international humanitarian law might result in genocide,

* Non-member State of the Human Rights Council.

Taking into consideration that States parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968 have agreed that no statutory limitation shall apply to such crimes, including the crime of genocide, irrespective of the date of their commission,

Affirming that impunity for the crime of genocide, war crimes and crimes against humanity encourages their occurrence and is a fundamental obstacle to the furtherance of cooperation among peoples and the promotion of international peace and security, and that fighting impunity for such crimes is an important factor in their prevention,

Condemning impunity for genocide, war crimes and crimes against humanity, and emphasizing the responsibility of States to comply with their obligations under relevant international instruments to end impunity and, to that end, to thoroughly investigate and prosecute persons responsible for genocide, crimes against humanity, war crimes or other massive, serious or systematic violations of human rights and international humanitarian law, in order to avoid their recurrence and to seek sustainable peace, justice, truth and reconciliation, and in this regard stressing also the importance of strengthening the capacity of domestic jurisdictions and inter-State cooperation,

Acknowledging the significant progress made by the international community, including within the United Nations system, in developing relevant mechanisms and practices to prevent and punish the crime of genocide, thereby contributing to the effective implementation of the Convention on the Prevention and Punishment of the Crime of Genocide,

Recalling General Assembly resolution 96 (I) of 11 December 1946, in which the Assembly declared genocide a crime under international law, and all subsequent resolutions within the United Nations system that have contributed to the establishment and development of the process of prevention and punishment of the crime of genocide, including Assembly resolution 60/1 of 16 September 2005,

Acknowledging with appreciation that genocide is defined among the most serious crimes of concern to the international community as a whole in the Rome Statute of the International Criminal Court, and also acknowledging the role of the Court, and other relevant international criminal tribunals in helping to increase accountability for the crime of genocide,

Expressing deep concern over the growing capabilities of terrorist groups, including foreign terrorist fighters, who perpetrate terrorist acts related to the crime of genocide established in the Convention on the Prevention and Punishment of the Crime of Genocide by targeting, persecuting and displacing individuals and groups, including on the basis of their national, ethnic, racial or religious background,

Stressing the importance of the promotion of truth, justice, reparation and guarantees of non-recurrence to the prevention of genocide, and also stressing, that perpetrators of this crime should be held criminally accountable on the national or international level,

Acknowledging the work of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and its positive impact on the prevention of gross violations of human rights and serious violations of international humanitarian law through a holistic approach to transitional justice,

Acknowledging also the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth,[1] and encouraging States to

[1] E/CN.4/2006/91, A/HRC/5/7, A/HRC/12/19 and A/HRC/15/33.

cooperate with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

Encouraging States to promote the ascertainment of the truth by appropriate means as an important element in combating impunity promoting accountability as part of the prevention of genocide and comprehensive reconciliation,

Recognizing that an important factor for the prevention of genocide is the identification of the root causes of genocide, as well as early warning signs,

Noting with concern that genocide is often denied, and reaffirming that public denials or attempts to justify the crime of genocide, as defined by international law, undermine the fight against impunity, reconciliation, and genocide-prevention efforts,

Recalling that the Human Rights Council was mandated by the General Assembly to address situations of violations of human rights, including gross and systematic violations, and to make recommendations thereon, and that it should also promote the effective coordination and mainstreaming of human rights in the United Nations system,

Recognizing the important contribution of the United Nations human rights system to efforts towards preventing situations in which the crime of genocide could be committed,

Reaffirming its full support for the mandate of the Special Adviser to the Secretary-General on the Prevention of Genocide, who acts as, inter alia, an early warning mechanism to prevent potential situations that could result in genocide,

Taking note of the new framework of analysis for atrocity crimes developed by the Office of the Special Adviser on the Prevention of Genocide and on the Responsibility to Protect as one of the tools to assess the risk of genocide in any situation, and encouraging Member States and regional and subregional organizations to use relevant frameworks, as appropriate, for guidance in their prevention work,

Taking note with appreciation of the presentation of the reports of the Secretary-General submitted to the Human Rights Council on the implementation of the Five-Point Action Plan[2] and the activities of the Special Adviser,[3] as well as of the convening of four interactive dialogues with the Special Adviser at the third, seventh, tenth and twenty-fifth sessions of the Council,

Recalling the 2005 World Summit Outcome,[4]

Welcoming the high-level panel discussion dedicated to the sixty-fifth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide at its twenty-fifth session, with the participation of Member States, relevant United Nations bodies, agencies and other relevant stakeholders,

Taking note of the interactive dialogue dedicated to the tenth anniversary of the creation of the mandate of the Special Adviser at its twenty-fifth session,

Acknowledging the important role played by regional and subregional arrangements in the prevention of genocide and response to situations that may lead to genocide, and taking note in this respect of the establishment of the Regional Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination by the International Conference on the Great Lakes Region, and of the establishment of respective national committees by the member

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[2] E/CN.4/2006/84.

[3] A/HRC/7/37 and A/HRC/10/30.

[4] General Assembly resolution 60/1.

States of the Conference, the Latin American Network for Genocide and Mass Atrocity Prevention, the Genocide Network of the European Union, and other national, regional and international initiatives,

Acknowledging also the successful outcome of the regional forums on the prevention of genocide – the first, in Buenos Aires, from 10 to 12 December 2008; the second, in Arusha, from 3 to 5 March 2010; the third, in Bern, from 4 to 6 April 2011; and the fourth, in Phnom Penh, from 28 February to 1 March 2013 – and taking note of the first international meeting of Global Action Against Mass Atrocity Crimes, held in San José from 4 to 6 March 2014,

Acknowledging further that the memorialization of genocides is one of the essential aspects of justice and reconciliation for victims, and plays an important role in the prevention of genocide,

1. *Reaffirms* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the prevention and punishment of the crime of genocide;

2. *Reiterates* the responsibility of each individual State to protect its population from genocide, which entails the prevention of such a crime, including incitement to it, through appropriate and necessary means;

3. *Encourages* Member States to build their capacity to prevent genocide through the development of individual expertise and the creation of appropriate offices within Governments to strengthen the work on prevention;

4. *Encourages* States to consider the appointment of focal points on the prevention of genocide, who could cooperate and exchange information and best practices among themselves and with the Special Adviser to the Secretary-General on the Prevention of Genocide, relevant United Nations bodies and with regional and subregional mechanisms;

5. *Expresses* its appreciation to all States that have ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide, and in particular to those States that have done so since the adoption by the Human Rights Council of its resolution 22/22;

6. *Calls upon* States that have not yet ratified or acceded to the Convention to consider doing so as a matter of high priority and, where necessary, to enact national legislation in conformity with the provisions of the Convention;

7. *Stresses* the importance of enhanced international cooperation, including through the United Nations system and through regional organizations, aimed at fostering the principles enshrined in the Convention;

8. *Calls upon* all States, in order to deter future occurrences of genocide, to cooperate, including through the United Nations system, in strengthening appropriate collaboration among existing mechanisms that contribute to the early detection and prevention of massive, serious and systematic violations of human rights that, if not halted, could lead to genocide;

9. *Condemns* the intentional public denial or glorification of crimes of genocide and crimes against humanity as defined by international law, and notes with concern that public denials create a risk of further violations and undermine efforts to prevent genocide;

10. *Recognizes* the important role of the Secretary-General in contributing to prompt consideration of cases of early warning or prevention, as mandated by the Security Council in its resolution 1366 (2001) of 30 August 2001, and the functions of the Special

Adviser on the Prevention of Genocide who, in accordance with his mandate, collects existing information, in particular from within the United Nations system, liaises with the United Nations system on activities for the prevention of genocide and works to enhance the capacity of the United Nations to analyse and manage information relating to genocide or related crimes;

11. *Requests* all Governments to cooperate fully with the Special Adviser on the Prevention of Genocide in the performance of his work, to furnish all relevant information requested and to react promptly to his urgent appeals;

12. *Underlines* the important role of the United Nations human rights system, including that of the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights and relevant special procedures and treaty bodies in addressing the challenge of collating information on massive, serious and systematic violations of human rights, thereby contributing to a better understanding and early warning of complex situations that might lead to genocide;

13. *Invites* the Secretary-General, in this regard, to bring to the attention of the international community situations that, in his assessment, could involve or be likely to lead to genocide, war crimes or crimes against humanity;

14. *Reiterates* the importance of the universal periodic review mechanism of the Human Rights Council, which is an important instrument for advancing human rights, and invites States to include, where appropriate, the information on the prevention of genocide, war crimes and crimes against humanity in their national reports;

15. *Urges* all States to implement accepted universal periodic review recommendations related to the prevention of genocide, war crimes and crimes against humanity;

16. *Encourages* the Special Adviser on the Prevention of Genocide and the High Commissioner to further enhance the systematic exchange of information between their offices and between the Special Adviser and all relevant special procedures, including those concerned with the promotion and protection of human rights of persons belonging to national, ethnic, racial or religious groups, as outlined in article II of the Convention on the Prevention and Punishment of the Crime of Genocide, as well as to continue collaboration with relevant international, regional and subregional organizations, national human rights institutions and civil society;

17. *Reiterates* the importance, when addressing complex situations that might lead to genocide as defined in the Convention, of a prompt and comprehensive examination of a set of multiple factors, including legal factors and possible warning signs as identified in, inter alia, the report of the Secretary-General on the implementation of the Five-Point Action Plan and the new framework of analysis for atrocity crimes developed by the Office of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect, such as the existence of groups at risk, the massive, serious and systematic violation of human rights, the resurgence of systematic discrimination and the prevalence of expressions of hate speech targeting persons belonging to national, ethnic, racial or religious groups, especially if they are uttered in the context of an actual or potential outbreak of violence;

18. *Encourages* States to make use of appropriate international and regional forums to address the issue of prevention of genocide, including, inter alia, the annual meetings of regional and thematic organizations and their related human rights machinery dedicated to the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide;

19. *Invites* Member States and regional and subregional organizations to look at the examples of best practices of prevention of genocide developed in other regions, as appropriate, taking into account their specific regional and national circumstances, with the aim of exchanging experiences and good practices in order to strengthen prevention measures, including early warning mechanisms and forms of cooperation;

20. *Underlines* the fact that the issue of terrorist groups, including foreign terrorist fighters, should be also addressed within the efforts of genocide prevention, particularly where their activities target individuals and groups, including when based on national, ethnic, racial and religious background;

21. *Encourages* Governments, in cooperation with international and regional organizations and civil society, while promoting human rights education activities, to continue to disseminate knowledge of the principles of the Convention, paying particular attention to the principles of prevention;

22. *Emphasizes* the important role that education, including human rights education, can play in genocide prevention, and further encourages Governments to promote, as appropriate, educational programmes and projects that contribute to the prevention of genocide;

23. *Takes note* of the provision of training and technical assistance to Member States by the United Nations to strengthen early warning mechanisms for the prevention of genocide, as well as other prevention capacities, and encourages Member States to consider requesting such assistance, if required;

24. *Invites* States as a preventive measure to provide appropriate ways, which may include the establishment of national days of remembrance of victims of genocide, war crimes and crimes against humanity, which will ensure that such horrendous crimes are never forgotten and provide an opportunity for everyone to learn lessons from the past and create a safer future;

25. *Recommends* that the General Assembly designate 9 December as the International Day of Commemoration and Dignity of the Victims of Genocide in order to raise awareness of the Convention on the Prevention and Punishment of the Crime of Genocide and its role in combating and preventing the crime of genocide;

26. *Invites* the Special Adviser on the Prevention of Genocide to continue to execute the activities under his mandate, including in the follow-up to the present resolution, by providing States with guidance, assistance and follow-up, upon their request;

27. *Invites* the Special Adviser to an interactive dialogue with the Human Rights Council at its thirty-first session on the progress made in discharging his duties;

28. *Requests* the Secretary-General to draw up a roster of focal points and networks on the prevention of genocide with updated information from Member States;

29. *Decides* to continue its consideration of this issue in accordance with its programme of work.

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Human Rights Council
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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Algeria, Bolivia (Plurinational State of), Bulgaria,* Croatia, * Cuba, Cyprus,* Egypt,* El Salvador, Greece,* Guatemala,* Indonesia, Italy,* Libya,* Luxembourg,* Mexico, Montenegro, Morocco, Paraguay, Portugal, Romania,* Spain,* Sudan,* Tunisia,* Turkey,* Venezuela (Bolivarian Republic of): draft resolution

28/... Right to work

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Economic, Social and Cultural Rights and other international human rights instruments relevant to the right to work,

Recalling Economic and Social Council resolutions 2007/2 of 17 July 2007 entitled "The role of the United Nations system in providing full and productive employment and decent work for all", and 2008/18 of 24 July 2008 entitled "Promoting full employment and decent work for all",

Taking note of the International Labour Organization Declaration on Fundamental Principles and Rights at Work and its follow-up, adopted by the International Labour Conference at its eighty-sixth session, on 18 June 1998, the Declaration on Social Justice for a Fair Globalization, adopted by the Conference at its ninety-seventh session, on 10 June 2008, the Global Jobs Pact, adopted by the Conference at its ninety-eighth session, on 19 June 2009, and the resolution of the International Labour Organization on the follow-up to its Declaration on Fundamental Principles and Rights at Work, adopted by the Conference at its ninety-ninth session, on 15 June 2010,

Recognizing the primary role, mandate, expertise and specialization of the International Labour Organization within the United Nations system in relation to the promotion of decent work and full and productive employment for all,

Reaffirming that all human rights, civil, political, economic, social and cultural rights, including the right to development, are universal, indivisible, interrelated,

interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Emphasizing that States should undertake to guarantee that the right to work is to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Underscoring the equal right of men and women to the enjoyment of all human rights, including the right to work, and recognizing that women are on many occasions subject to discrimination in the context of realizing their rights in that regard on an equal basis with men,

Recognizing that progress has been made, yet deeply concerned that many persons with disabilities in all regions continue to face significant obstacles in exercising their right to work on an equal basis with others,

Reaffirming, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right to work, which includes the right of everyone to the opportunity to gain his or her living by work which he or she freely chooses or accepts, and that States should take steps to achieve the full realization of that right, including technical and vocational guidance and training programmes, policies and techniques, to achieve steady economic, social and cultural development and full and productive employment under conditions that safeguard the fundamental political and economic freedoms of the individual,

Reaffirming also, as enshrined in the International Covenant on the Economic, Social and Cultural Rights, the right of everyone to the enjoyment of just and favourable conditions of work,

Reaffirming further that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to work, including in particular the adoption of legislative measures,

Recalling the United Nations Millennium Declaration and the Millennium Development Goals, in particular target 1 (b) of the Goals, to achieve full and productive employment and decent work for all, including women and young people,

Recognizing that full and productive employment and decent work for all are key elements of poverty-reduction strategies that facilitate the achievement of the internationally agreed development goals, including the Millennium Development Goals, and that they require a multidimensional focus that incorporates Governments, the private sector, civil society organizations, representatives of employers and workers, international organizations and, in particular, the agencies of the United Nations system and the international financial institutions,

Encouraging States to pay due consideration to the right to work and the issue of full and productive employment and decent work for all in the ongoing negotiations on the elaboration of the post-2015 development agenda, and welcoming the inclusion of the promotion of sustained, inclusive and sustainable economic growth and decent work for all as a proposed stand-alone goal in the report of the Open Working Group on Sustainable Development Goals,[1]

[1] A/68/970.

Concerned that global unemployment stood at 201.3 million in 2014, representing an increase of 1.2 million compared with the previous year and of about 31 million compared with 2007, and highlighting the severe impact that the international economic and financial crisis has had in that regard,

Expressing deep concern that approximately 74.5 million young people are unemployed and that the global youth unemployment rate is around 13.1 per cent, and resolved in that regard to pay particular attention to the realization of the right to work for young people, bearing in mind the fundamental importance of equal opportunities, education and vocational training in the context of realizing the right to work for young people,

Underscoring that there is an urgent need to create an environment at the national and international levels that is conducive to the attainment of full and productive employment and decent work for all as a foundation for sustainable development, and that an environment that supports investment, growth and entrepreneurship is essential to the creation of new job opportunities, and reaffirming that opportunities for men and women to obtain productive work in conditions of freedom, equity, security and human dignity are essential to ensuring the eradication of hunger and poverty, the improvement of economic and social well-being for all, the achievement of sustained economic growth and sustainable development of all nations and a fully inclusive and equitable globalization,

Recognizing that employment should be a central objective of economic and social policies at the national, regional and international levels for the sustainable eradication of poverty and for providing an adequate standard of living, and emphasizing in that regard the importance of relevant social protection measures, including social protection floors,

Encouraging the private sector to continue to exercise its vital role in generating new investments, job opportunities and financing for development and in advancing efforts towards the full realization of the right to work and the promotion of full and productive employment and decent work for all,

Acknowledging the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in relation to the right to work,

Acknowledging also the work of United Nations agencies, programmes and funds, in particular the International Labour Organization, in supporting the efforts of States to promote full and productive employment and decent work for all and the full realization of the right to work,

1. *Requests* the United Nations High Commissioner for Human Rights to prepare a report in consultation with States, United Nations agencies, funds and programmes, particularly the International Labour Organization, as well as the treaty bodies, special procedures, civil society and other relevant stakeholders on the realization of the right to work, in accordance with their respective obligations under international human rights law and the relevant major challenges and best practices in that regard, and to submit it to the Human Rights Council prior to its thirty-first session;

2. *Decides* to remain seized of the matter.

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Angola,* Argentina, Austria,* Belgium,* Bosnia and Herzegovina,* Brazil, Bulgaria,* Croatia,* Cyprus,* Chile,* Denmark,* Djibouti,* El Salvador, Georgia,* Germany, Greece,* Haiti,* Honduras,* Hungary,* Iceland,* Indonesia, Ireland, Italy,* Liechtenstein,* Luxembourg,* Mexico, Montenegro, Netherlands, Nicaragua,* Norway,* Panama,* Paraguay, Peru,* Poland,* Portugal, Serbia,* Slovakia,* Slovenia,* Spain,* State of Palestine,* Switzerland,* Tajikistan,* Timor-Leste,* Uganda,* Uruguay,* Zambia:* draft resolution

28/... The right to privacy in the digital age

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,

Reaffirming the Vienna Declaration and Programme of Action,

Recalling Human Rights Council resolution 5/1 on institution-building of the Council, and resolution 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also General Assembly resolutions 68/167 of 18 December 2013 and 69/166 of 18 December 2014 on the right to privacy in the digital age, and Human Rights Council decision 25/117 on the panel on the right to privacy in the digital age,

* Non-member State of the Human Rights Council.

Recalling further Human Rights Council resolutions 20/8 of 5 July 2012 and 26/13 of 26 June 2014 on the promotion, protection and enjoyment of human rights on the Internet,

Welcoming the work of the Office of the United Nations High Commissioner for Human Rights on the right to privacy in the digital age, noting with interest its report thereon,[1] and recalling the panel discussion on the right to privacy in the digital age held during the twenty-seventh session of the Human Rights Council,[2]

Taking note of the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,[3] and the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,[4]

Noting with appreciation general comment No. 16 of the Human Rights Committee on the right to respect of privacy, family, home and correspondence, and protection of honour and reputation,[5] while also noting the vast technological leaps that have taken place since its adoption,

Recalling that the General Assembly in its resolution 69/166 encourages the Human Rights Council to remain actively seized of the debate on the right to privacy in the digital age, with the purpose of identifying and clarifying principles, standards and best practices regarding the promotion and protection of the right to privacy, and to consider the possibility of establishing a special procedure to that end,

Recognizing the need to further discuss and analyse, on the basis of international human rights law, issues relating to the promotion and protection of the right to privacy in the digital age, procedural safeguards, effective domestic oversight and remedies, the impact of surveillance on the right to privacy and other human rights, as well as the need to examine the principles of non-arbitrariness and lawfulness, and the relevance of necessity and proportionality assessments in relation to surveillance practices,

Reaffirming the human right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, and recognizing that the exercise of the right to privacy is important for the realization of the right to freedom of expression and to hold opinions without interference and the right to freedom of peaceful assembly and association, and is one of the foundations of a democratic society,

Noting that the rapid pace of technological development enables individuals all over the world to use new information and communications technology and at the same time enhances the capacity of governments, companies and individuals to undertake surveillance, interception and data collection, which may violate or abuse human rights, in particular the right to privacy, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, and is therefore an issue of increasing concern,

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[1] A/HRC/27/37.

[2] See A/HRC/28/39.

[3] A/69/397.

[4] A/HRC/23/40 and Corr.1.

[5] *Official Records of the General Assembly, Forty-third Session, Supplement No. 40* (A/43/40), annex VI.

Noting also that, while metadata can provide benefits, certain types of metadata, when aggregated, can reveal personal information and can give an insight into an individual's behaviour, social relationships, private preferences and identity,

Emphasizing that States must respect international human rights obligations regarding the right to privacy when they intercept digital communications of individuals and/or collect personal data and when they require disclosure of personal data from third parties, including private companies,

Recalling that business enterprises have a responsibility to respect human rights as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework,

Deeply concerned at the negative impact that surveillance and/or interception of communications, including extraterritorial surveillance and/or interception of communications, as well as the collection of personal data, in particular when carried out on a mass scale, may have on the exercise and enjoyment of human rights,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats and harassment and suffer insecurity, as well as unlawful or arbitrary interference with their right to privacy as a result of their activities,

Noting that, while concerns about public security may justify the gathering and protection of certain sensitive information, States must ensure full compliance with their obligations under international human rights law,

Noting also in that respect that the prevention and suppression of terrorism is a public interest of great importance, while reaffirming that States must ensure that any measures taken to combat terrorism are in compliance with their obligations under international law, in particular international human rights, refugee and humanitarian law,

1. *Reaffirms* the right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights;

2. *Recognizes* the global and open nature of the Internet and the rapid advancement in information and communications technology as a driving force in accelerating progress towards development in its various forms;

3. *Affirms* that the same rights that people have offline must also be protected online, including the right to privacy;

4. *Decides* to appoint, for a period of three years, a special rapporteur on the right to privacy, whose tasks will include:

(*a*) To gather relevant information, including on international and national frameworks, national practices and experience, to study trends, developments and challenges in relation to the right to privacy and to make recommendations to ensure its promotion and protection, including in connection with the challenges arising from new technologies;

(*b*) To seek, receive and respond to information, while avoiding duplication, from States, the United Nations and its agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, civil society organizations, the private sector, including business enterprises, and any other relevant stakeholders or parties;

(*c*) To identify possible obstacles to the promotion and protection of the right to privacy, to identify, exchange and promote principles and best practices at the national, regional and international levels, and to submit proposals and recommendations to the Human Rights Council in that regard, including with a view to particular challenges arising in the digital age;

(*d*) To participate in and contribute to relevant international conferences and events with the aim of promoting a systematic and coherent approach on issues pertaining to the mandate;

(*e*) To raise awareness concerning the importance of promoting and protecting the right to privacy, including with a view to particular challenges arising in the digital age, as well as concerning the importance of providing individuals whose right to privacy has been violated with access to effective remedy, consistent with international human rights obligations;

(*f*) To integrate a gender perspective throughout the work of the mandate;

(*g*) To report on alleged violations, wherever they may occur, of the right to privacy, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, including in connection with the challenges arising from new technologies, and to draw the attention of the Council and the United Nations High Commissioner for Human Rights to situations of particularly serious concern;

(*h*) To submit an annual report to the Human Rights Council and to the General Assembly, starting at the thirty-first session and the seventy-first session respectively;

5. *Invites* the Special Rapporteur to include in the first report considerations that the mandate holder finds relevant to address the right to privacy in the digital age;

6. *Calls upon* all States to cooperate fully with and assist the Special Rapporteur in the performance of the mandate, including by providing all necessary information requested by him or her, to respond promptly to his or her urgent appeals and other communications, to consider favourably the mandate holder's requests to visit their countries and to consider implementing the recommendations made by the mandate holder in his or her reports;

7. *Encourages* all relevant stakeholders, including the United Nations and its agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, civil society and the private sector to cooperate fully with the Special Rapporteur to enable the mandate holder to fulfil the mandate;

8. *Requests* the Secretary-General and the High Commissioner to provide the Special Rapporteur with all the human and financial resources necessary for the effective fulfilment of the mandate;

9. *Decides* to continue its consideration of the matter under the same agenda item.

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Argentina, Armenia,* Australia,* Austria,* Belgium,* Bolivia (Plurinational State of), Brazil, Bulgaria,* Chile,* Colombia,* Congo, Costa Rica,* Croatia,* Cuba, Cyprus,* Czech Republic,* Denmark,* Dominican Republic,* Ecuador,* El Salvador, Estonia, Finland,* France, Georgia,* Germany, Greece,* Guatemala,* Haiti,* Honduras,* Hungary,* Iceland,* Ireland, Italy,* Jamaica,* Kazakhstan, Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Mexico, Montenegro, Netherlands, New Zealand,* Nicaragua,* Norway,* Panama,* Paraguay, Peru,* Poland,* Portugal, Republic of Moldova,* Romania,* Serbia,* Slovakia,* Slovenia,* Spain,* Sweden,* Switzerland,* Tajikistan,* Thailand,* the former Yugoslav Republic of Macedonia, Timor-Leste,* Turkey,* United Kingdom of Great Britain and Northern Ireland, Uruguay,* Venezuela (Bolivarian Republic of): draft resolution

28/... Rights of the child: towards better investment in the rights of the child

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child constitutes the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention, and calling for their universal ratification and effective implementation, as well as that of other relevant human rights instruments,

Recalling all previous resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly, the most recent being Council resolution 25/6 of 27 March 2014 and Assembly resolution 69/157 of 18 December 2014,

* Non-member State of the Human Rights Council.

Reaffirming that the general principles of the Convention on the Rights of the Child, including non-discrimination, the best interests of the child, survival and development, and participation, provide the framework for all actions concerning children,

Welcoming the work of the Committee on the Rights of the Child and of other United Nations treaty bodies, and noting its general comments, in particular general comment no. 5, on general measures of implementation of the Convention on the Rights of the Child,

Noting Committee on Economic, Social and Cultural Rights general commentS no. 3, on the nature of States parties' obligations, and no. 9, on the domestic application of the International Covenant on Economic, Social and Cultural Rights,

Welcoming the attention paid to the rights of the child by the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict, and taking note with appreciation of their recent reports,[1]

Recalling the commitments made by States at the World Summit for Children in 1990 and at the twenty-seventh special session of the General Assembly in 2002 to follow-up and implement the Plan of Action,[2] the United Nations Millennium Declaration ,[3] the guiding principles on extreme poverty and human rights,[4] the United Nations Convention against Corruption, the Monterrey Consensus of the International Conference on Financing for Development ,[5] the Doha Declaration on Financing for Development,[6] the Vienna Declaration and Programme of Action, the United Nations Principles and Guidelines on Access to Legal Aid and Criminal Justice Systems[7], the Guiding Principles on Business and Human Rights and the Children's Rights and Business Principles, and recognizing their relevance, as appropriate, for other relevant stakeholders, such as business enterprises,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recognizing the need to ensure the full and effective enjoyment by all of their human rights, including the right to development,

Emphasizing that States have the primary responsibility to respect, protect and fulfil all human rights, including the rights of the child, and that this responsibility involves all branches of the State,

Reaffirming that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, while the best interests of the child shall be the guiding principle of those responsible for his or her nurture and protection, and that families' and caregivers' capacities to provide the child with care and safe environment should be promoted,

Recognizing that the duties and responsibility to respect the rights of the child extend in practice beyond the State and State-controlled services and institutions and apply to private actors and business enterprises,

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[1] A/HRC/28/56, A/HRC/28/55 and A/HRC/28/54

[2] General Assembly resolution S-27/2, annex

[3] General Assembly resolution 55/2

[4] See General Assembly resolution 67/164

[5] A/CONF.198/11, chap. I

[6] A/CONF.212/L.1/Rev.1

[7] General Assembly resolution 67/187, annex

Affirming that investing in children is critical to achieving inclusive, equitable and sustainable human development for present and future generations, and delivers benefits to society and the economy at large,

Recognizing that investing in quality education and health services tailored for children is a critical component of fulfilling the State's duties and responsibilities to respect, promote and protect the rights of the child,

Acknowledging that children constitute more than 30 per cent of the world population and even more than 50 per cent of the population in some countries, and expressing deep concern that, while States have developed and improved legal frameworks for children, the lack of sufficient, efficient, inclusive and equitable public investment in children remains one of the main barriers to realizing the rights of the child,

Deeply concerned that one billion children are deprived of one of more essential services for their survival and development,

Considering that economic policies are not neutral in their effect on children's rights,

Recognizing that comprehensive investment in the rights of the child is broader than the mobilization, budgeting and spending of public resources,

Conscious that the realization of the rights of the child may be affected by a range of factors, such as financial or economic crisis, illicit financial flows, emergencies, terrorism, armed conflict, inadequate legal protection, the adverse impact of climate change, natural disasters, food and water insecurity, poverty, or global inequalities,

Recognizing that long-term debt may have an impact on States' ability to mobilize resources for the protection and realization of the rights of the child, and stressing in this regard the importance of effective debt management as an element in ensuring long-term debt sustainability,

Deeply concerned that extreme poverty and social exclusion persist in all countries of the world, regardless of their economic, social and cultural situation, that their extent and manifestations are particularly severe in developing countries, and that children are among those in the most vulnerable situations, and noting that the girl child experiences particular vulnerabilities as a consequence of multiple forms of discrimination,

Recognizing that transparent, inclusive, participatory and accountable governance and fiscal processes play a critical role in combating corruption and ensuring efficient resource mobilization, allocation and spending for the protection and realization of children's rights,

Reaffirming that equitable, sustained and broad-based investment in children for the protection and realization of their rights lays the foundation for a just society, a strong economy and a world free of poverty,

Recognizing that the enhancement of international cooperation to support national efforts in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights, including the rights of the child,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights entitled "Towards better investment in the rights of the child";[5]

2. *Calls upon* all States to ensure the enjoyment by children of all their human rights, in accordance with the Convention on the Rights of the Child, without discrimination of any kind, and emphasizes in this regard the fundamental link between laws, policies and budgets and the responsibility of States to ensure that relevant national laws and policies are translated into transparent, participatory and accountable budgets and spending for the promotion, protection and realization of the rights of the child;

3. *Also calls upon* States to undertake all appropriate legislative, administrative, judicial and other measures for the implementation of the rights recognized in the Convention on the Rights of the Child and, with regard to economic, social, and cultural rights, to take such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation;

4. *Affirms* that investment in children has high economic and social returns, and that all related efforts to ensure resources allocated and spent for children should serve as an instrument for the fulfilment of children's rights;

5. *Stresses* that the primary responsibility for the creation and maintenance of an enabling environment for securing the well-being of children, in which the rights of each and every child are promoted, protected, respected and fulfilled, rests within each State, and that effective and equitable investment is required for this purpose, recognizing that additional resources, both national and international, are required for this purpose;

6. *Reaffirms* the responsibilities, rights and duties of parents, legal guardians or other persons legally responsible for the child to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of his or her rights;

I. National policies and the rights of the child

7. *Recalls* that State action aimed at the promotion, protection and full realization of all human rights and fundamental freedoms for all, including the rights of the child, at the national level is most effective when fully integrated into national laws and policies based on a human rights perspective and in a manner consistent with States' obligations under international human rights law;

8. *Reaffirms* that States have the right to choose the framework that is best suited to their particular needs and circumstances at the national level, and emphasizes that national policies, including budgetary and fiscal policies, are to be implemented in a manner that respects, protects and fulfils human rights and that inclusive and sustainable economic growth and stability should be regarded as a means towards human development;

9. *Emphasizes* the importance for the protection and realization of all human rights, including the rights of the child, of participatory and transparent approaches when planning, formulating and assessing relevant public policies, and recognizes the important and constructive role that parliaments, national human rights institutions, the judiciary and civil society can play with regard to the realization of the rights of the child;

[5] A/HRC/28/33

10. *Encourages* States to develop and strengthen the collection, analysis and dissemination of data for national statistics and, as far as possible, to use data disaggregated by, inter alia, age, sex, ethnicity, location, language, family income, disability and other relevant factors that may lead to disparities, and other statistical indicators collected at the subnational, national, subregional, regional and international levels, to develop and assess social policies and programmes so that available economic and social resources are used efficiently and effectively for the full realization of the rights of the child, including girls and marginalized and disadvantaged groups of children;

II. Resource mobilization for the promotion, protection and realization of the rights of the child

11. *Requests* all States to take all possible measures towards the promotion, protection and realization of the rights of the child without discrimination of any kind, paying special attention to children in vulnerable situations;

12. *Encourages* States to pursue, among others, the following actions for mobilizing resources to realize children's rights:

(*a*) To take concrete measures to mobilize domestic and, where necessary, international resources, such as collecting taxes and other revenues, implementing transparent and efficient administrative procedures, promoting sustainable and inclusive growth and productivity and, when appropriate, inviting private sector involvement in a way that promotes the realization of the rights of the child;

(*b*) To ensure the effective and efficient use of resources and, to the greatest possible extent, that social expenditures that benefit children are prioritized, including during short-term and long-term economic and financial crises;

(*c*) To make continuous efforts to sustain investment in children, at both the national and subnational levels, over the medium to long term as a way of creating a long-lasting impact on future growth, sustainable development and social cohesion while safeguarding the rights of the child;

(*d*) To take measures for responsible, sustainable lending and borrowing and effective debt management in order to contribute to ensuring long-term debt sustainability;

(*e*) To combat corrupt or illicit practices at all levels, including tax evasion and illicit financial flows, that directly affect the resources available for the realization of children's rights, and in this regard to consider, as appropriate, developing global partnerships to that end;

III. Transparency in the allocation and use of resources

13. *Calls upon* States to make budgeting processes open, transparent, accessible and participatory;

14. *Encourages* States to take steps towards:

(*a*) Making child-related fiscal and budget information publicly available, comprehensive and timely, including the priorities guiding the relevant allocation of resources, to encourage accountability and public scrutiny with children, through child-friendly information, and with other stakeholders;

(*b*) Allowing for the identification of budget line items that have a direct or indirect impact on children, and systematizing relevant data and indicators, including child-focused indicators and child rights impact tracking mechanisms;

IV. Accountability

15. *Calls upon* States, in the context of their national policies relating to the protection, promotion and realization of the rights of the child, to strengthen public financial management systems, to ensure accountability for public resources, and to put in place effective remedies to prevent and address the mismanagement of public funds and other resources and the negative impact of investment decisions and practices that deprive children of their access to services essential for the realization of their rights;

16. *Encourages* States to take steps towards:

(*a*) Ensuring financial internal oversight, such as internal audits, as well as external oversight by the parliament and independent supreme audit institutions, and recognizing the role that independent human rights institutions have established in accordance with the Paris Principles, children's ombudspersons, and the wider public, including children, can play to hold the Government accountable for its investment in children;

(*b*) Conducting assessments of the impact of fiscal policies, as well as budget allocation and spending, on the realization of the rights of child, including the most disadvantaged and marginalized, and of how investments in any sector can serve the best interests of the child;

17. *Calls upon* States to encourage the private sector to play a more active, effective and responsible role in the fight against poverty and the protection and realization of the rights of the child in all areas where it is involved and as economic agent and service provider, to encourage corporate social responsibility, bearing in mind that corporations must abide by national legislation, and to promote increased corporate awareness of the interrelationship between social development and economic growth for the realization of human rights, including those of children;

18. *Encourages* States to collect statistical data and pertinent and accurate information relating to investment in children, including, when possible, on progress made and the challenges encountered, and to consider including statistics and comparable data in their periodic reports to the relevant United Nations mechanisms in accordance with their mandates, including information provided to the Human Rights Council in the context of the universal periodic review;

19. *Emphasizes* the important role of civil society in promoting accountability in investment in the realization of children's rights at all levels, including through child-sensitive community engagement mechanisms;

V. Participation of children in budgetary and fiscal processes

20. *Recognizes* that the child who is capable of forming his or her own views should be assured the right to express those views freely, without discrimination on any ground, in all matters affecting him or her, the views of the child being given due weight in accordance with his or her age and maturity;

21. *Calls upon* States to consider, as appropriate, promoting, facilitating and funding the meaningful participation and active consultation of children in all the issues

affecting them, including in the formulation and implementation of public policies and delivery of services, in particular those designed to meet national goals and targets for children and adolescents, and recognizes the important role played by independent ombudspersons for children, educational institutions, the media, community-based organizations, such as children's organizations, and parliaments in assuring the meaningful participation of children in these public processes, taking into account the best interests of the child;

VI. Resource allocation and spending for the promotion, protection and realization of the rights of the child

22. *Emphasizes* the duty of all States to allocate and spend sufficient and equitable public resources for the promotion, protection and realization of all human rights, and stresses that government budgets and spending are prerequisites for the provision of appropriate services mechanisms and infrastructure that serve to fulfil children's rights at all times, including to prevent and respond to emergencies and other humanitarian situations, and encourages States:

(*a*) To ensure that the national budget is conceived as an instrument to guarantee social and economic objectives and the protection and realization of children's rights, guided by the Convention on the Rights of the Child and the principles of non-discrimination, the best interests of the child, survival and development, and participation, universality, transparency and accountability in all governmental actions and processes related to it;

(*b*) To make children a priority in budgetary allocations and spending as a means to ensure the highest return on the limited resources available;

(*c*) To take steps to improve interministerial coordination and cooperation regarding investment in the rights of the child at all levels, and to ensure, as appropriate, that subnational authorities have the necessary financial, human and other resources to effectively discharge their assigned responsibilities, and to implement safeguards to ensure that decentralization or devolution does not lead to discrimination in the enjoyment of rights by children in different regions;

23. *Calls upon* States, regardless of their level of development or resource constraints, to ensure the satisfaction of, at the very least, the minimum essential levels of enjoyment of all economic, social and cultural rights by making every effort to use the resources that are at their disposal to satisfy as a matter of priority these minimum levels;

24. *Emphasizes* that where the available resources are demonstrably inadequate, States are still required to take targeted measures to move as expeditiously and effectively as possible towards the full realization of the rights of the child, including within the framework of international cooperation;

VII. Holistic child protection systems

25. *Calls upon* all States to take all necessary measures to establish holistic child protection systems, including through laws, policies, regulations and appropriate budget allocation, to ensure access to services across all social sectors, including but not limited to health and nutrition, education, social welfare, security and justice, in order to address the multiple needs and underlying vulnerabilities of all children without any discrimination;

26. *Reminds* States of their obligation to register births without discrimination of any kind, and calls upon States to do so irrespective of the status of the child's parents, and

to ensure free birth registration, including free or low-fee late birth registration limited to cases that would otherwise result in a lack of registration, by means of universal, accessible, simple, expeditious and effective registration procedures, without discrimination of any kind, as a means for providing an official record of the existence of a person and the recognition of that individual as a person before the law, and granting access to services and enjoyment of all the rights to which the child is entitled;

27. *Calls upon* all States to take all necessary measures to ensure that the rights of the child to life, survival and development and to the enjoyment of the highest attainable standard of physical and mental health are promoted, protected and fulfilled, without discrimination of any kind, including through the development and implementation of laws, strategies and policies, with appropriate budgeting and resource allocation and adequate investment in resilient and responsive health systems and public health services, with an adequately skilled, well-trained and motivated workforce, and ensuring its availability, accessibility, affordability, acceptability and quality;

28. *Also calls upon* States to make progress towards the implementation of universal health coverage and to ensure access to all people, including children, without discrimination, to a nationally determined set of promotive, preventive, curative and rehabilitative health services, including sexual and reproductive health-care services, and to identify the underlying determinants of children's health and risk factors of both non-communicable and communicable diseases;

29. *Further calls upon* all States to take all necessary measures, including sufficient budgetary allocations, to ensure inclusive, equitable and non-discriminatory quality education and to promote learning opportunities for all children, and urges States to pay special attention in that regard to children with disabilities and children in vulnerable situations, such as indigenous children, members of minorities, refugees, migrants, undocumented and stateless children, married or pregnant children and adolescents, and adolescent mothers, children living in poverty, and any other marginalized or disadvantaged child, as well as for children in armed conflict or emergency situations;

30. *Calls upon* States to make primary education available, free and compulsory for all children, ensuring that all children have access to an inclusive quality education from an early age, and making secondary education generally available and accessible for all, in particular by the progressive introduction of free education, as well as ensuring equal access to early childhood education and care, and access on the basis of equal opportunity and non-discrimination to post-secondary and tertiary education, and to include comprehensive evidence-based education on human sexuality in a manner consistent with their evolving capacities;

31. *Also calls upon* States to recognize for every child the right to benefit from social security, including social insurance, and to take the necessary measures to achieve the full realization of this right in accordance with their national laws, including by taking into account the resources and circumstances of the child and persons having responsibility for his or her maintenance, as well as any other consideration relevant to an application for benefits made by or on behalf of the child; and encourages States to, as part of their social protection systems, establish or maintain and implement social protection floors, which comprise basic social security guarantees as nationally defined and contribute to ensuring minimum essential level of protection, to the realization of the economic, social and cultural rights of children, and to preventing or alleviating poverty, vulnerability an social exclusion;

32. *Urges* States, in accordance with national conditions and within their means, to take appropriate measures to assist parents and others responsible for the child in implementing the right of every child to a standard of living adequate for the child's

physical, mental, spiritual, moral and social development and, in case of need, to provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing;

33. *Requests* all States to promote innovative programmes that provide incentives to low-income families with school-age children in order to increase the enrolment and attendance of girls and boys, and to ensure that children are not obliged to work in a way that interferes with their schooling or represents a risk to their health or well-being, and that they are not taken into care because of poverty;

34. *Encourages* States to develop or enhance early childhood programmes targeted at assisting families facing especially difficult circumstances, including those headed by single parents or children, those living in the most vulnerable and disadvantaged situations, and those living in extreme poverty or caring for children with disabilities;

35. *Also encourages* States to take into account the Guidelines for the Alternative Care of Children, and to adopt and enforce laws and to improve the implementation of policies and programmes, budget allocation and human resources to support children, particularly children living in disadvantaged and marginalized families, to ensure that they are cared for effectively by their own families and communities, and to protect children growing up without parents or caregivers; where alternative care is necessary, decision-making should be in the best interests of the child, in full consultation with the child as age-appropriate and with his or her legal guardians;

36. *Calls upon* States to translate into concrete action their obligations and commitments related to child labour, including to the effective elimination of child labour that is likely to be hazardous, interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, and to examine and devise economic policies, where necessary in cooperation with the international community, that address factors contributing to these forms of child labour, such as poverty and social exclusion, labour mobility, discrimination and lack of adequate social protection and educational opportunities;

37. *Urges* all States that have not yet ratified the Conventions of the International Labour Organization concerning the Minimum Age for Admission to Employment (No. 138) and the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) to consider doing so as a matter of priority, and encourages States to consider ratifying the Convention concerning decent work for domestic workers (No. 189);

38. *Strongly condemns* all acts of violence against children, and calls upon States to take effective and appropriate legislative and other measures, including sufficient resource allocation, to prevent, prohibit and eliminate all forms of violence against children in all settings;

39. *Calls upon* all parties to armed conflict to respect fully the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict, including, inter alia, concerning the recruitment and use of children by parties to armed conflict;

40. *Calls upon* States to take, as a matter of urgency, all appropriate measures, including through sufficient resource allocation, to prevent, and to protect children, without discrimination of any kind, from, torture and other cruel, inhuman or degrading treatment or punishment, and to abolish harmful practices that compromise the dignity and integrity of the child and that are prejudicial to the health of boys and girls, particularly by

preventing and explicitly condemning such practices, as well as addressing violence leading to child self-harm and suicide;

41. *Urges* States to ensure that all child victims of violence, armed conflict situations and harmful practices have access to adequately funded and appropriate, gender-sensitive, safe and confidential programmes and medical, social and psychological support services to protect, treat, counsel and reintegrate child victims, as well as child-friendly and safe spaces, including schools, and to implement protective measures to provide necessary support for the child and for those who have the care of the child, and to provide for other forms of prevention and for identification, reporting, referral, investigation, treatment of and follow-up on instances of child maltreatment and for judicial involvement;

42. *Calls upon* States to provide effective remedies to redress violations of the rights of the child, and encourages States to pay particular attention to providing child-sensitive procedures, information and advice, an adequately trained workforce, and, as appropriate, alternatives to prison and alternative mechanisms for solving disputes and seeking redress, available to children and their representatives; and also calls upon States to provide judicial redress, with the necessary legal and other assistance, and to commit sufficient funds to achieve these goals, as well as to provide appropriate reparation and, where needed, measures to promote physical and psychological recovery, rehabilitation and reintegration, including for children formerly recruited by armed groups and armed forces or children victims of violence;

VIII. International cooperation

43. *Encourages* all States to strengthen their commitment, cooperation and mutual assistance with the objective of implementing the Convention on the Rights of the Child and realizing fully the rights of the child, including through the sharing of good practices, research, policies, monitoring and capacity-building;

44. *Calls upon* States, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, for the promotion and protection of the rights of the child;

45. *Encourages* States to honour their commitments and to meet the internationally agreed targets, including the United Nations targets for international development assistance, in particular for the implementation of the rights of the child;

46. *Emphasizes* the role of international cooperation in support of national and subnational efforts and in raising the capacities, including at community level, for the fulfilment of the rights of the child through, inter alia, the enhancement of their cooperation with human rights mechanisms, relevant United Nations agencies, programmes and funds, including through the provision of technical and financial assistance, upon the request of and in accordance with the priorities set by the States concerned;

47. *Encourages* all States to ensure that the rights of the child are respected and protected in programmes implemented through bilateral and multilateral development cooperation;

48. *Invites* international financial institutions and other international governmental and non-governmental organizations to work together with recipient Governments on their request and in accordance with their priorities in order to enhance their capacity to implement child rights-based budgeting into national budgets and to ensure that cooperation is effectively coordinated;

IX. Follow-up

49. *Encourages* States to give due consideration to children's rights in the discussions on the post-2015 development agenda and financing for development, and to ensure an open, transparent, participatory, inclusive and child-sensitive framework for that agenda;

50. *Requests* all United Nations bodies, agencies, mechanisms, plans and programmes to support States in their development efforts and implementation of children's rights, and to routinely incorporate information on how resources are allocated and spent for children's rights in their work in accordance with their respective mandates;

51. *Invites* the High Commissioner to prepare a follow-up report on investment in the rights of the child, based on good practices and lessons learned, in close collaboration with relevant stakeholders, including States, the United Nations Children's Fund, other relevant United Nations bodies, agencies, funds and programmes, relevant special procedures mandate holders, regional organizations and human rights bodies, civil society, national human rights institutions and children themselves, and to submit the report to the Human Rights Council at its thirty-first session;

52. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and Human Rights Council resolutions 7/29 of 28 March 2008 and 19/37 of 23 March 2012, and, capitalizing on the work conducted by the Special Representative of the Secretary-General on Violence against Children, the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Committee on the Rights of the Child, to focus its next full-day meeting on the theme of "Information and communications technology and child sexual exploitation", requests the Office of the High Commissioner to prepare a report on that issue, in close collaboration with the Special Representative of the Secretary-General on Violence against Children and the Special Rapporteur on the sale of children, child prostitution and child pornography, as well as other relevant stakeholders, including States, the United Nations Children's Fund, other relevant United Nations bodies and agencies, relevant special procedures mandate holders, regional organizations and human rights bodies, civil society, national human rights institutions and children themselves, and to present it to the Council at its thirty-first session, to inform the annual day of discussion on the rights of the child, and requests the High Commissioner to circulate a summary report on the next full-day meeting on the rights of the child.

United Nations A/HRC/28/L.29

General Assembly

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Human Rights Council
Twenty-eighth session
Agenda item 10
Technical assistance and capacity-building

Bulgaria,* Canada,* Germany, Greece,* France, Hungary,* Italy,* Iraq,* Lebanon,* Luxembourg:* draft resolution

28/...Technical assistance and capacity-building in strengthening human rights in Iraq in the light of the abuses committed by Daesh and associated terrorist groups

The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling Security Council resolutions 1624 (2005) of 14 September 2005, 2169 (2014) of 30 July 2014, 2170 (2014) of 15 August 2014 and 2199 (2015) of 12 February 2015, General Assembly resolution 60/288 of 8 September 2006 and Human Rights Council resolution 25/7 of 27 March 2014,

Recalling also Human Rights Council resolution S-22/1 of 1 September 2014,

Taking note of the report of the Office of the United Nations High Commissioner for Human Rights on the mission dispatched by the Office of the High Commissioner to investigate alleged violations and abuses of international human rights law committed by the so-called Islamic State in Iraq and the Levant and associated terrorist groups,[1]

Reaffirming that the protection and promotion of human rights and fundamental freedoms is the responsibility of Governments,

Noting the efforts of the Government of Iraq, notably the current Government of national unity formed in September 2014 to promote and protect human rights,

1. *Condemns in the strongest possible terms* the continued, widespread and grave abuses of human rights and violations of international humanitarian law committed by Daesh and associated terrorist groups, and strongly condemns in particular all violence committed against persons based on their religion or ethnicity, as well as attacks on civilians, particularly against women and children;

[1] A/HRC/28/18.

2. *Urges* the Government of Iraq to investigate all alleged abuses and violations of human rights and violations of international humanitarian law;

3. *Urges* the international community to assist Iraq in its efforts to ensure humanitarian assistance to internally displaced persons fleeing the areas affected by violence, and to put in place measures to protect the sites of mass graves of those killed by Daesh

4. *Requests* the United Nations High Commissioner for Human Rights to provide the Government of Iraq with technical assistance to assist it in promoting and protecting human rights, and to provide a written report thereon to the Human Rights Council at its thirtieth session.

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Algeria, Bahrain,* Cuba, Djibouti,* Egypt*, Jordan,* Kuwait,* Lebanon,* Libya,* Mali,* Mauritania,* Morocco, Oman,* Saudi Arabia, Sierra Leone, State of Palestine,* Tunisia,* United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen:* draft resolution

28/...Effects of terrorism on the enjoyment of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant international human rights instruments,

Recalling the relevant resolutions of the General Assembly, the Security Council, the Commission on Human Rights and the Human Rights Council concerning terrorism, including Assembly resolutions 46/51 of 9 December 1991, 60/288 of 8 September 2006, 64/297 of 8 September 2010, 66/10 of 18 November 2011 on the United Nations Counter-Terrorism Centre established on the initiative of the United Nations and Saudi Arabia, and 68/178 of 18 December 2013, as well as Commission resolution 2004/44 of 19 April 2004 and Human Rights Council resolution 25/7 of 27 March 2014, and reaffirming its commitment to the United Nations Global Counter-Terrorism Strategy and its four pillars, adopted by the Assembly in its resolution 60/28 of 8 September 2006,

Reaffirming that all human rights, civil, political, economic, social and cultural rights are universal, indivisible, interdependent and interrelated,

Recognizing that the objectives of countering terrorism and of the protection and promotion of human rights are not conflicting but complementary and mutually reinforcing,

* Non-member State of the Human Rights Council

Taking note of the report of the United Nations High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism,[1]

Reaffirming its strongest condemnation of the continuing heinous acts of terrorism that have indiscriminately caused enormous loss of human life, destruction and damage to societies, detrimentally affected human rights, such as the right to life and security of person, undermined the rule of law and democratic freedoms, threatened socioeconomic development and impeded the full realization of the economic, social and cultural rights that are indispensable for human dignity and development of the human personality, thus representing a grave threat to international peace and security,

Reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, thus threatening territorial integrity and the security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Condemning unequivocally all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Expressing deep concern at the fact that some grave crimes committed by terrorist groups, including mercenaries and foreign fighters, have targeted persons and groups on the basis of their ethnic and religious background,

Reaffirming that States must ensure that any measures taken to counter terrorism should be in line with national legislations and in conformity with international law, in particular international human rights law and international humanitarian law,

Recalling its resolution 16/18 of 24 March 2011 and the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence as important tools to counter violent extremism, and calling for their effective implementation by the international community as a means to deprive radical groups and individuals of any justification for violent extremism on the grounds of ethno-religious stigmatization and discrimination,

1. *Strongly condemns* all terrorist acts, and expresses grave concern at their detrimental effects on human rights, including the right to life, liberty and security of person;

2. *Condemns* all terrorist acts on State institutions, public sites, individual property, national monuments and historical and cultural relics;

3. *Expresses its concern* that terrorist groups have targeted entire population segments indiscriminately, and in some cases on the basis of their ethnic and religious backgrounds;

4. *Reaffirms* the primary responsibility of the State to protect its citizens against terrorism;

5. *Urges* all States to deny all forms of support for terrorist groups, including financial support, and to deny safe haven to those who incite, plan, finance, support or commit terrorist acts;

[1] A/HRC/28/28.

6. *Reiterates* the obligation of States to prevent and suppress the financing of terrorist acts, including ransom payment, and to criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories, with the intention that the funds be used, or with the knowledge that they are to be used, to carry out terrorist acts;

7. *Urges* States to take appropriate measures to duly investigate the incitement, preparation, instigation or commission of acts of terrorism and, where appropriate, to prosecute, convict and punish those engaged in such acts in accordance with national criminal laws and procedure;

8. *Calls upon* States to strengthen further their national laws and mechanisms on countering terrorism;

9. *Condemns* incitement to violence and terrorism by any means, in particular through the media, and highlights in that regard the complex challenges associated with the increasing use of social media and information and communications technology in inciting violence and terrorism;

10. *Reaffirms its unequivocal condemnation* of all acts, methods, practices and financing of terrorism as criminal and unjustifiable, renews its commitment to strengthen international cooperation to prevent and combat terrorism, and in that regard calls upon States and relevant regional and subregional organizations, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy and its four pillars;

11. *Calls upon* all national and regional institutions and relevant civil society organizations, as appropriate, to advance tolerance and non-violence and more broadly to promote initiatives to build resilience against the recruitment of terrorists;

12. *Expresses its solidarity* with the victims of terrorism and their families, and acknowledges the importance of considering the needs of the victims of terrorism and preserving their human rights in such a way that requires the enhancement of international cooperation and the exchange of expertise in that respect;

13. *Encourages* States to provide satisfaction, reparation and rehabilitation for victims in accordance with the relevant national laws from within available resources;

14. *Urges* States and the international community to take measures, including through education, awareness-raising, the media and human rights educational activities and training, to effectively address the root causes of terrorism and the factors that make individuals and groups more vulnerable to the effects of terrorism and increase their propensity to be recruited by terrorists;

15. *Invites* all treaty bodies, special procedures mandate holders, relevant international and regional human rights mechanisms, and the United Nations High Commissioner for Human Rights, within their respective mandates, to pay due attention to the negative impact of terrorism on the enjoyment of all human rights and fundamental freedoms;

16. *Decides* to convene, at its twenty-ninth session, a panel discussion on the effects of terrorism on the enjoyment by all persons of human rights and fundamental freedoms, and requests the High Commissioner to liaise with States and all stakeholders, including the relevant United Nations bodies, agencies, and programmes, treaty bodies, special procedures mandate holders, national human rights institutions and civil society organizations, with a view to ensuring their participation in the panel discussion;

17. *Requests* the High Commissioner to prepare a report on the panel discussion in the form of a summary, and to submit it to the Human Rights Council at its thirtieth session.

United Nations A/HRC/28/L.31

General Assembly

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Human Rights Council
Twenty-eighth session
Agenda item 10
Technical assistance and capacity-building

Algeria (on behalf of the Group of African States): draft resolution

28/...
Strengthening of technical cooperation and consultative services in Guinea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 13/21 of 26 March 2010, 16/36 of 25 March 2011, 19/30 of 23 March 2012, 23/23 of 14 June 2013 and 25/35 of 28 March 2014,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms set forth in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments to which they are parties,

Noting with satisfaction the efforts made by Guineans and the international community, in particular the African Union and the Economic Community of West African States, to establish democratic institutions and to strengthen the rule of law,

Welcoming the progress made by the Guinean authorities in guaranteeing freedom of opinion and expression,

Recalling the recommendations of the International Commission of Inquiry established by the Secretary-General and supported by the African Union and the Economic Community of West African States,

Recalling that it is the primary responsibility of the Government of Guinea to protect its population, to conduct inquiries into allegations of violations of human rights and international humanitarian law and to bring perpetrators to justice,

1. *Recognizes* the efforts made by the Government of Guinea to strengthen the rule of law and improve the human rights situation in the country;

2. *Welcomes* the existence of the new Ministry of Human Rights and Civil Liberties and its constructive work and the mainstreaming of human rights in the reform of the security sector;

3. *Encourages* the Guinean authorities to mainstream human rights in all public policies;

4. *Calls upon* the Guinean authorities to pursue their efforts to guarantee freedom of peaceful assembly and association;

5. *Also calls upon* the Guinean authorities to make the justice, truth and reconciliation process operational;

6. *Firmly reiterates* its commitment to accession to power by democratic means and condemns all incitement to ethnic and/or racial hatred;

7. *Calls upon* the Government of Guinea to ensure that the elections to be held in 2015 take place in conditions of peace, transparency and security, with full respect for human rights and democratic standards;

8. *Urges* all political stakeholders:

(a) To continue to take an active part in good faith in the political dialogue, particularly on issues regarding the organization of free, transparent, inclusive and peaceful elections;

(b) To prevent and prohibit any act of violence that harms the democratization process under way;

(c) To be actively involved in the national reconciliation process;

9. *Encourages* the Government of Guinea to make the national commission established in 2013 for the study and prevention of the problem of violence operational;

10. *Welcomes* the efforts by the Government of Guinea to undertake reforms in the security and defence sectors that incorporate respect for human rights and guarantee the enjoyment of civil and political rights and *calls upon* the Government of Guinea to continue human rights training for the security forces;

11. *Welcomes* the progress made with regard to the reform of the justice sector, including the establishment of the Supreme Council of Justice and the enhancement of judges' conditions of service;

12. *Encourages* the Government of Guinea to adopt and carry out reforms aimed at strengthening the administration of justice with a view to combating impunity and consolidating respect for human rights;

13. *Calls upon* the Government of Guinea to ensure that the National Human Rights Institution that has been established is compliant with the Paris Principles;

14. *Encourages* the Government of Guinea to pursue its efforts to fight impunity, in particular the judicial proceedings initiated in connection with the violence allegedly committed by the security forces, notably in 2007 and 2013;

15. *Urges* the Government of Guinea to adopt the following supplementary measures:

(a) Support the work of the panel of judges appointed to investigate the events of 28 September 2009, and expedite judicial proceedings against those responsible for the violence, including the acts of sexual violence committed against women and girls;

(b) Guarantee the necessary means and security conditions for the panel of judges so that its members may effectively fulfil their mandate;

(c) Ensure the safety and protection of the witnesses and victims and provide them with appropriate redress and assistance, including in the form of medical and psychological support;

(d) Compensate the families of victims who lost their lives as a result of the events of 28 September 2009 and provide redress for the physical and psychological suffering inflicted upon those who were wounded;

16. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea in 2014;[1]

17. *Firmly* reiterates its appeal to the international community:

(a) To provide the Government of Guinea with appropriate assistance to promote respect for human rights, the fight against impunity and the reform of the security and justice sectors, as well as the initiatives that are under way to promote truth, justice and national reconciliation;

(b) To support the Office of the United Nations High Commissioner for Human Rights in Guinea;

(c) To support the Ministry of Human Rights and Civil Liberties in the implementation of its plan of action;

18. *Invites* the High Commissioner to submit to the Human Rights Council at its thirty-first session a report on the situation of human rights and the work of the Office of the High Commissioner in Guinea;

19. *Decides* to remain seized of this matter.

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[1] A/HRC/28/50.

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General Assembly

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Human Rights Council
Twenty-eighth session
Agenda item 10
Technical assistance and capacity-building

Algeria (on behalf of the Group of African States), Bulgaria*, Cyprus*, Germany, Greece*, Hungary*, Italy*, Latvia, Luxembourg*, Netherlands, Slovakia*, United Kingdom of Great Britain and Northern Ireland: draft resolution

28/...

Strengthening of technical cooperation and consultative services in Guinea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 13/21 of 26 March 2010, 16/36 of 25 March 2011, 19/30 of 23 March 2012, 23/23 of 14 June 2013 and 25/35 of 28 March 2014,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms set forth in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments to which they are parties,

Noting with satisfaction the efforts made by Guineans and the international community, in particular the African Union and the Economic Community of West African States, to establish democratic institutions and to strengthen the rule of law,

Welcoming the progress made by the Guinean authorities in guaranteeing freedom of opinion and expression,

Recalling the recommendations of the International Commission of Inquiry established by the Secretary-General and supported by the African Union and the Economic Community of West African States,

* Non-member State of the Human Rights Council

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Recalling that it is the primary responsibility of the Government of Guinea to protect its population, to conduct inquiries into allegations of human rights violations and to bring perpetrators to justice,

1. *Recognizes* the efforts made by the Government of Guinea to strengthen the rule of law and improve the human rights situation in the country;

2. *Welcomes* the existence of the new Ministry of Human Rights and Civil Liberties and its constructive work and the mainstreaming of human rights in the reform of the security sector;

3. *Encourages* the Guinean authorities to mainstream human rights in all public policies;

4. *Calls upon* the Guinean authorities to pursue their efforts to guarantee freedom of peaceful assembly and association;

5. *Also calls upon* the Guinean authorities to make the justice, truth and reconciliation process operational;

6. *Firmly reiterates* its commitment to accession to power by democratic means and condemns all incitement to ethnic and/or racial hatred;

7. *Calls upon* the Government of Guinea to ensure that the elections to be held in 2015 take place within the specified time frame, in conditions of peace, transparency and security, and with full respect for human rights and democratic principles;

8. *Urges* all political stakeholders:

(a) To continue to take an active part in good faith in the political dialogue, particularly on issues regarding the organization of free, transparent, inclusive and peaceful elections;

(b) To prevent any act of violence that harms the democratization process under way and to refrain from committing such acts;

(c) To be actively involved in the national reconciliation process;

9. *Encourages* the Government of Guinea to make the national commission established in 2013 for the study and prevention of the problem of violence operational;

10. *Welcomes* the efforts by the Government of Guinea to undertake reforms in the security and defence sectors that incorporate respect for human rights and guarantee the enjoyment of civil and political rights and *calls upon* the Government of Guinea to continue human rights training for the security forces;

11. *Welcomes* the progress made with regard to the reform of the justice sector, including the establishment of the Supreme Council of Justice and the enhancement of judges' conditions of service;

12. *Encourages* the Government of Guinea to adopt and carry out reforms aimed at strengthening the administration of justice in order to combat impunity and consolidate respect for human rights;

13. *Calls upon* the Government of Guinea to ensure that the National Human Rights Institution that has been established is compliant with the Paris Principles;

14. *Encourages* the Government of Guinea to pursue its efforts to fight impunity, in particular the judicial proceedings initiated in connection with the violence allegedly committed by the security forces, notably in 2007 and 2013;

15. *Urges* the Government of Guinea to adopt the following supplementary measures:

(a) Support the work of the panel of judges appointed to investigate the events of 28 September 2009, and expedite judicial proceedings against those responsible for the violence, including the acts of sexual violence committed against women and girls;

(b) Guarantee the necessary means and security conditions for the panel of judges so that its members may effectively fulfil their mandate;

(c) Ensure the safety and protection of the witnesses and victims and provide them with appropriate redress and assistance, including in the form of medical and psychological support;

(d) Compensate the families of victims who lost their lives as a result of the events of 28 September 2009 and provide redress for the physical and psychological suffering inflicted upon those who were wounded;

16. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea in 2014;[1]

17. *Firmly reiterates* its appeal to the international community:

(a) To provide the Government of Guinea with appropriate assistance to promote respect for human rights, the fight against impunity and the reform of the security and justice sectors, as well as the initiatives that are under way to promote truth, justice and national reconciliation;

(b) To support the efforts of the Government of Guinea to combat the Ebola virus and strengthen the resilience of its health-care system;

(c) To support the Office of the United Nations High Commissioner for Human Rights in Guinea;

(d) To support the Ministry of Human Rights and Civil Liberties in the implementation of its plan of action;

18. *Invites* the High Commissioner to report to the Human Rights Council at its thirty-first session on the situation of human rights and the work of the Office of the High Commissioner in Guinea;

19. *Decides* to remain seized of this matter.

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[1] A/HRC/28/50.